

**REPORT TO THE MINNESOTA PUBLIC UTILITIES COMMISSION ON THE  
2008 ANNUAL HEARING OF THE POWER PLANT SITING PROGRAM  
Docket Number E999/M-08-1426**

The Annual Hearing required by the Minnesota Power Plant Siting Act was conducted by the Minnesota Public Utilities Commission (Commission) at their offices in Saint Paul, Minnesota on Tuesday December 30, 2008.

The Annual Hearing is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines and to afford interested persons an opportunity to be heard regarding the Commission's activities, duties or policies pursuant to the Power Plant Siting Act, Minnesota Statutes Chapter 216E or its Power Plant and Transmission Line Siting Rules, Minnesota Chapter 7849.5020 to 7849.6500.

The official notice of the hearing is provided in Exhibit AH08-1. Additional exhibits included are the EQB Monitor notice published on December 1, 2008, the December 5, 2008 affidavit of mailed notice to the Power Plant Siting general list maintained by the Department of Commerce, Office of Energy Security, and a list of registered persons attending the 2007 hearing. Notice of the 2008 hearing was posted on the Commission's web calendar. A recording of the proceeding is available at the Commission.

Notice of the hearing indicated that the record would remain open for written comments until January 31, 2009. During the hearing the comment deadline was extended until February 2, 2009.

**Summary of Proceeding**

**I. Introduction**

Bob Cupit of the Minnesota Public Utilities Commission convened the hearing at 10:08 a.m. on Tuesday, December 30, 2008. There were approximately 38 people in attendance (not including Office of Energy Security or Commission staff) and 33 of those in attendance signed the attendance sheet (see Exhibit AH08-4).

Mr. Cupit reviewed the agenda and discussed the required notices the Commission had produced for this year's hearing. Mr. Cupit noted that Commissioner Betsy Wergin was listening to the meeting via telephone and introduced Commission Energy Facilities Planning Staff present: Andrew Mensing, Bret Eknes, Mike Kaluzniak, and Tricia DeBleekere. Deb Pile of the Office of Energy Security introduced herself and noted the change from the Department of Commerce (DOC) to the newly created Office of Energy Security (OES). OES individuals in attendance distributed information on projects that were completed in 2008 and projects under review for 2009. Ms. Pile then introduced the OES Energy Facility Permitting staff present: Bill Storm, David Birkholz, Larry Hartman, Ray Krisch, Scott Ek, and Suzanne Steinhauer, specifically noting two new staff, Mr. Ek and Mr. Kirsch. Ms. Pile noted that Mr. Kirsh's new position was to assist in improving and facilitating public participation and improve guidance documents available to the public.

## **II. Overview of Programs**

Mr. Cupit and Ms. Pile displayed each agency's respective website and noted features that could assist the public in participating or monitoring completed and ongoing projects. Mr. Cupit asked those in attendance whether there were any comments regarding the website or the changes. Carol Overland asked when the comments of the public would start being heard, as the meeting was only noticed for two hours and she wanted to make sure there was enough time for all of those in attendance who wished to comment could do so. Mr. Cupit replied that all of those who wished to comment would receive an opportunity to do so before the meeting was adjourned.

Ms. Overland stated she believes there should be a warning on the OES project page as not all docket related information is provided on the OES website. She noted that it was confusing to the public who may view the OES website as the go-to source for project information, when in reality, the OES website contains only key documents. David Birkholz of the OES replied that providing a link to eDockets may be an option and confirmed that the amount of information available on the OES project page is substantially less than the information provided in eDockets.

Bill Neuman stated that more integration between the eDockets and OES website would be beneficial. He suggested assigning sequential numbers to all items within a Docket and the numbering could then be universal between both sites. Mr. Neuman believes that with this system an individual would be able to discern that certain numbers were not represented on the OES page and would conclude that more data is available elsewhere.

Kristen Eide-Tollefson commented that in her view, the most significant problem with the eDockets system is the layout of the initial webpage as it implies that a username and password are required to access the system. Mr. Cupit replied that the eDockets system is currently being revised and the concerns expressed will be relayed to those participating in the revision.

## **III. Projects Reviewed**

Ms. Pile gave a brief overview of the more significant projects that were completed during 2008 and provided a list compiled by the OES detailing the siting and routing projects approved in 2008. Mr. Cupit discussed projects pending and upcoming in 2009.

## **IV. Public Questions and Comment**

Alan Muller questioned Mr. Cupit and Ms. Pile on whether the Commission had denied an application for any projects in 2008. Mr. Cupit and Ms. Pile replied that there were no applications officially rejected in 2008, however several projects were delayed or withdrawn by the applicant during the process when such action was found to be appropriate. Mr. Muller believes inclusion of a list of rejected or withdrawn projects is necessary because it may appear that all CON applications are approved.

In response to questions from Ms. Overland and Ms. Eide-Tollefson, Mr. Cupit and Ms. Pile reported that prior years' PPSA reports are available through the OES website and eDockets. Ms. Overland then

See past Annual Hearing Reports at:  
<http://www.energyfacilities.puc.state.mn.us/Docket.html?Id=3596> or eDockets (Docket Number for 2006: 06-1733; 2007: 07-1579; 2008: 08-1426) for previous PPSA documents.

asked what occurs beyond providing the PPSA report to the Commission. Mr. Cupit explained that the comments are reviewed and distributed throughout the commission and to the extent possible, relevant comments are factored into changes that are made at the OES and the Commission. Ms. Tollesfson asked if all comments were included as part of the record, to which Mr. Cupit indicated that they were.

Beverly Topp stated that she formed the Citizens Energy Task Force (CETF) because she was concerned about the exemptions the CapX 2020 applicants were requesting and were granted, due in part to the joint nature of the multiple utilities' application. She expressed her concern regarding information provided by the CapX 2020 applicants and the events that developed during the hearings. Through Ms. Topp's experience working with the CETF, she noted that she had found the main problem with these proceedings is that the public does not understand the process. The public's difficulty in understanding the CON process coupled with the fact that these citizens groups or interveners typically have shallow pockets, make it difficult for members of the public to hire an attorney and be fully involved in the process and proceedings. Ms. Topp indicated that under the current structure there is a significant burden on the public to build the record in these proceedings.

Ms. Topp then commented on the inadequacies of the routing and siting procedures. She noted that during the CapX 2020 applicants' open houses (which she noted were conducted prior to filing a route permit with the Commission) the landowners were informed by the utilities that the CapX 2020 project State routing process would not happen for a few years and she believes this may have been an attempt by the utilities to placate landowners. Ms. Topp recalled how she, along with CETF, made an attempt to educate the public on the CON proceedings. She stated this was difficult as the utilities were holding open houses on routing during the same time period as the CON process which was confusing to the public. Ms. Topp believes that the open houses on routing, put on by the applicant, should not be held before the issuance of a CON because such meetings are misleading to the public as they create the appearance that the CON process is a 'done deal'. Ms. Topp noted that the public appeared to believe that the unofficial open houses held by the applicants were to pick a *final* route and the public was unclear that the intent was to provide input on which routes CapX 2020 should propose to the Commission.

Bill Neuman voiced his concern with the Commission's lack of consideration for scenic byways in the analysis of CON applications. Mr. Neuman noted that the scenic byways found throughout the state are federally created entities and these byways are managed to try to minimize the disruption of the natural beauty of the route. Scenic byways are to support local economies and promote tourism, which, he noted, is especially important considering the difficult economic times. He indicated that not making the GIS data publicly available inflicts a burden on individuals looking to evaluate the impacts to their interests. He expressed that providing only paper copies of potential routes or maps then requires that interested parties manually digitize an approximate location of the route. Mr. Neuman added that transmission lines along a byway can have substantial impacts on the quality of the vistas along the route and this should be considered by the Commission in its analysis of an application. Mr. Neuman expressed his concern that the Geographic Information System (GIS) layers used to create the maps provided with the Chisago

HVTL application were not made available to individuals (like himself) who wanted to analyze the proposed route's impact on the St. Croix River Scenic Byway. Mr. Neuman noted the Wisconsin Public Service Commission employs extensive procedures to help protect scenic byways from the impact of transmission lines. Mr. Cupit asked Mr. Neuman for input regarding transmission lines that cross scenic byways and Mr. Neuman replied that crossing was better than running the line parallel along a byway, however it is ultimately dependent on the location of the crossing.

Ms. Overland next noted that during some proceedings the Office of Administrative Hearings (OAH) had stated that there was no 'right to intervention' for the public, only their right to be heard; this was an egregious conclusion in Ms. Overland's view. Ms. Overland added her concern regarding the Citizens' Advisory Task Forces (CATFs) and detailed several problems she saw with the Chisago, Mesaba, and Prairie Island projects, specifically the short duration of their task forces. Ms. Overland stated she believes interveners carry a considerable burden to construct the record, and as such, the state should provide funding for interveners and their attorneys. Ms. Overland also stated that she believes the CON process moves along too quickly with respect to the intervention deadline. She does not believe that the Administrative Law Judge (ALJ) was correct in the determination that an intervener must participate in the proceeding in order to sustain the right to intervene. Ms. Overland believes no such requirement can be found in statute and individuals should have the ability to preserve their right to participate as a party in a proceeding (even though they may not necessarily be participating). Ms. Overland pointed to the Mesaba project where she was not allowed to intervene even though there were no parties other than the applicant in the docket.

Ms. Overland stated that she was upset about the fact that interveners in the CapX 2020 docket had to show cause and participate in order to continue to qualify as interveners. She reiterated that individuals should be able to hold a place in the proceeding without necessarily participating in one's full capacity. Ms. Overland added that in the CapX 2020 CON proceedings some notices detailing the intervention process were mailed late.

Ms. Overland, commenting generally, stated that the environmental review and its scoping process are not useful. Ms. Overland stated that the alternatives provided are artificially limited and in particular, she mentioned issues arising around the Mesaba project, deficiencies in the environmental report process, and her opinion that the DOC Commissioner Scoping Decision should be handed back to the Environmental Quality Board.

Ms. Overland believes that the utilities should have to make more people aware of the 'buy the farm' provision in the statutes. Ms. Overland believes that when there is any indication of improper notice in a proceeding, the proceeding should be halted and believes that the Commission should reiterate to the OAH and ALJs that public participation in these proceedings is crucial and the procedure should reflect such a goal. Ms. Overland indicated she would submit her comments in writing as well.

Mr. Muller provided his observations, as someone relatively new to the state, about the Minnesota CON process. Mr. Mueller stated that in the abstract the public involvement procedures utilized in Minnesota seem conducive and thorough. However in practice, Mr. Muller provided the analogy that the rules operate much like a steamroller, where the applicant can roll through all of the requirements for public participation under statutes and rules. Mr. Mueller noted that public participation is separate from having the ability to intervene.

Mr. Muller expressed his concern that during some of the CapX 2020 meetings the public did not understand the legal ramifications of the process. He also believed that during those meetings the OES staff were biased and appeared to be on the side of the applicants. Mr. Muller believes that state employees should not legitimize an applicant's promotional activities by their attendance. Ms. Pile of OES responded by stating that OES does participate in public meetings, but does not advocate for the applicant. She added that the meetings Mr. Muller was referring to were most likely scoping meetings for the OES environmental review process and that such a meeting is not a promotional activity put on by the applicant.

Mr. Muller brought up a hearing on the Mesaba project where he felt that the building was too cold to facilitate public participation. When the ALJ was asked at the hearing about the temperature of the room the ALJ responded that all of those in attendance would have to suffer together. Mr. Muller also noted his concern to the judge, that as a result of the room conditions many people may have left with questions unanswered.

Mr. Muller warned of the potential negative outcomes of a streamlined process; the main concern he had was inadequate public participation. Mr. Muller stated that since it takes a while for the public to register that these sorts of proceedings are occurring, the streamlined process would result in fewer opportunities for the public to participate. He believes the Commission should provide better rationale to combine proceedings.

Mr. Muller expressed concern regarding the alternatives that are analyzed in the CON application. Mr. Muller indicated that the alternatives used are not adequate and applicants should be required to analyze alternatives that utilize technological advances and conservation. Mr. Muller believes that the current alternatives used by the Commission defeat the intent of the CON. He noted that the existing 'sad state of affairs' of the alternative analysis further increases the importance of the role played by interveners. Intervenors are essential in developing the record regarding subjects that the permitting process does not require and because of their crucial role, intervenors should be compensated by the state.

George Crocker stated that he appreciates the difficulties facing the electricity industry at the current time and would like to bring this system into the modern era. He noted that he appreciated the difficulty and struggle that this would take. Mr. Crocker states that the electricity system is currently undergoing a major paradigm shift. The current system employed by the Commission and OES still rewards consumption of electricity by a utility's customers and the technology that is currently available to manage electric consumption loads is not incorporated into the decision making process. He noted that this paradigm is slowly changing with the inception of decoupling.

Mr. Crocker expressed that the forecasting methodology used in applications to the Commission are flawed and result in self fulfilling prophecies. Mr. Crocker pointed out that the forecasts for the CapX 2020 projects were from the CapX 2020 Applicants' 2004 Integrated Resource Plans. As the CapX 2020 proceeding continued the forecasted demands kept decreasing but the applicants were still allowed to rely on the outdated forecasts. Mr. Crocker believes that loads in this region are stable but is alarmed that the supply continues to increase. Mr. Crocker believes that the Power Plant Siting Act made sense in a different era when economies of scale resulted from the station to load paradigm; the new paradigm in the electricity industry will be dispersed generation and the Commission should start accounting for this.

Mr. Crocker also commented about gross inadequacies of the alternatives analyzed in these proceedings. Mr. Crocker stated that the alternatives applicants must analyze are worthless and nothing more than straw men that are easily torn down by information provided by the applicants. Mr. Crocker stated that he provided a real alternative in the CapX 2020 proceedings in the form of the sweet spot study (Dispersed Renewable Generation study). Mr. Crocker was appalled by the way the OES witness disrespected the valuable information the study provided, Mr. Crocker viewed the information he provided about dispersed generation as a gift of information to the state. He indicated that he had time and time again attempted to provide the tools and analytical framework to do a cost benefit analysis to evaluate providing electric service, but those tools weren't being utilized and instead were pissed on. Mr. Crocker stated that the alternatives analyzed in the CapX 2020 proceedings should include a strategic, dispersed generation option.

Lea Foushee was the next individual to comment, she provided input on the inadequacies of public involvement in these proceedings and wanted to remind the Commission of the past. Mr. Foushee reminded those in attendance of previous times when the public felt that state officials were too dismissive of the public's interests. She noted to those in attendance that in the past, members of the public resorted to physical acts – 'war in the streets' - to show their condemnation of state policies. She added that the physical acts took the form of shooting out insulators, toppling transmission towers and other things. Ms. Foushee believes that those at the Commission and OES should be warned of the possible consequences associated with disregarding the public's will. Ms. Foushee noted that if the public's will continues to go unheeded by the state agencies, they would be effectively pushing the people of the state to revolt again. Ms. Foushee noted that the people who were previously involved were not yet too old to become active again.

Next, Ms. Eide-Tollefson acknowledged her appreciation for Ms. Topp's statements and wanted to reiterate the same concerns she had regarding exemptions granted to utilities. She also indicated her appreciation for the OES's progress in working toward more effective public involvement, specifically noting the new hire, Mr. Kirsch. Ms. Eide-Tollefson stated that the fundamental purpose of public participation is not the ability for the public to complain but instead it should be for the public to have the ability to influence a proceeding and decisions of the Commission. Ms. Eide-Tollefson expressed her concern that currently the burden is on the public to develop the alternatives. She believes that this burden is not appropriate and she advocated for the inclusion of more useful alternatives in the procedures prescribed by rule and statute. She also suggested that more public input should be provided in infrastructure development and asked the moderators what they believed the regulators would need to fully address this. She noted she would like to see public discussion used in a different way to redesign the future, which she notes cannot be done without full public engagement. She also commented on her concern that the change in statute governing task forces could interfere with their functions, specifically the change in law constraining the CATFs to the environmental report scoping timeframe. Ms. Eide-Tollefson noted that CATFs have served agencies well in the past, indicated her preference to have more thought put into the issues surrounding CATFs, and requested that internal evaluations should take place to discuss what CATFs were for and how they may best serve in the future. Last, Ms. Eide-Tollefson, expressed her appreciation for the steps taken by the Commission and OES concerning mailing lists in response to comments provided at last year's PPSA meetings and also requested that anyone involved in projects during the year preceding a hearing be put on the mailing list for the following PPSA hearing.

Next, Craig Weckworth commented on his experience as a landowner with the CapX 2020 notice procedures. Mr. Weckworth stated that the proposed corridors were not very useful because the area noticed was so large that most landowners did not think there was a likely chance their land would be impacted. Mr. Weckworth believes this notification operates similar to a 'bait and switch' since in the original notice his land was in the alternative corridor, but when the application was submitted, his land was listed as the preferred route. Mr. Weckworth expressed frustration over his inability to remain informed on the CapX 2020 proceedings. He noted that the mailing lists used by the CapX 2020 applicants were not cross-checked with landowner maps and as a result he was unsure of what information to trust as he no longer trusts the CapX 2020 applicants.

Mr. Muller made an additional comment supporting the comments of Mr. Crocker. Mr. Muller acknowledged that there was a paradigm shift occurring and Mr. Crocker addressed some of the fundamental issues facing the electric utility industry. Mr. Muller stated that the past paradigm is what is driving the construction of the wasteful and old-fashioned, current projects.

Ms. Overland noted that the adding transmission lines based on the justification that it would assist in creating a market environment is not a goal in the public's interest. She also stated that the lack of notice stated by Mr. Weckworth is a serious flaw in the process and added her concern regarding intervention deadlines imposed on the CapX 2020 project in relation to the notice provided to landowners. She also noted her belief that the addition of 'regional reliability' to the CON criteria was included to further justify the CapX 2020 project.

Bob Tammen stated that he is an individual of ordinary means and a retired employee of Xcel Energy. Mr. Tammen is concerned that some utility officials are pushing forward 'the terrible' Mesaba project which would in turn affect the rates of non-associated utilities and their ratepayers, specifically Xcel Energy. Mr. Tammen is worried that the organization, Iron Range Resources, is focusing on the Mesaba project so intently that it is hurting other possible projects that could stimulate the economy in the region.

No further testimony was offered. Mr. Cupit opened up the meeting for an informal question and answer session.

### **Written Comments Received After the Hearing**

Six written comments were received during the comment period following the hearing. Summaries are provided below, and the full comments are attached as exhibits.

#### **North American Water Office, Crocker Comments Received on December 30, 2008:**

Mr. Crocker comments on the repetitive nature of the public comments received at the annual hearings from year to year.

#### **North American Water Office, Crocker Comments Received on January 5, 2009:**

Mr. Crocker comments on the evaluation of Certificate of Need projects, how least cost alternatives factor into the decision, and the lack of evaluation of alternatives.

**Riddlemoser Comments Received on January 7, 2009:**

Mr. Riddlemoser poses questions and comments on the Commission's Order Establishing General Wind Permit Standards.

**Fresh Energy Comments Received on February 2, 2009:**

Ms. Erin Stojan Ruccolo of Fresh Energy provided comments on several web related items:

- 1) The Public Utilities Commission Website
- 2) eFilings and eDockets
- 3) Department of Commerce, Office of Energy Security Website

**Neuman Comments Received February 5, 2009:**

Mr. Bill Neuman addresses two main concerns:

- 1) The potential for transmission line routing to cause non-compensable scenic and economic impacts to Minnesota Scenic Byways and National Scenic Byways located in Minnesota.
- 2) The importance of public participation in safeguarding the public value of achieving environmental protection when making siting decisions.

Neuman Exhibits include:

Attachment 1: Federal Register Vol. 60, No. 96 dated 5/18/95

Attachment 2: An image entitled 'Minnesota Scenic Byways' depicting state and federally designated scenic byways within the state of Minnesota.

Attachment 3: Shape (.shx) and project files (.prj) that are assumed to be shapefiles of the scenic byways located in Minnesota. These are not included as attachments to this document.

**Weckwerth Comments Received on January 13, 2009: Exhibit 10**

Craig Weckwerth commented on the pre-filing CAPX 2020 route planning and public information process for the La Crosse transmission line project and the need for the project.

## EXHIBIT LIST

### **2008 Annual Hearing of the Power Plant Siting Program** Held on December 30, 2008

- AH08 – 1 Official Notice and Agenda, Affidavit of Mailed Notice
- AH08 – 2 EQB Monitor Notice
- AH08 – 3 Commission Weekly Calendar Notice
- AH08 – 4 Hearing Attendance Registration
- AH08 – 5 Completed Projects by Type in 2008
- AH08 – 6 Filed Comment: North American Water Office – George Crocker (2)
- AH08 – 7 Filed Comment: Scott Riddlemoser
- AH08 – 8 Filed Comment: Fresh Energy – Erin Stojan Ruccolo
- AH08 – 9 Filed Comment: Bill Neuman
- AH08 – 10 Filed Comment: Craig Weckwerth

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 1

OFFICIAL NOTICE AND AGENDA,

AFFIDAVIT OF MAILED NOTICE



## STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

### Notice of Annual Hearing

**NOTICE IS HEREBY GIVEN** that the staff of the Minnesota Public Utilities Commission will convene the annual public hearing on the Power Plant Siting and Transmission Line Routing Program from 10:00 to 12:00 a.m. on Tuesday, December 30, 2008, in the Small Hearing Room at the Commission's offices on the third floor of the Metro Square Building, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, Minnesota, 55101.

The annual hearing is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines and to afford interested persons an opportunity to be heard regarding any aspects of the Commission's activities, duties, or policies pursuant to the Power Plant Siting Act, Minnesota Statutes section 216E.001-.18, or its Power Plant and Transmission Line Siting Rules, Minnesota Rules chapter 7849.5020 to 7849.6500.

The Commission has prepared an Agenda for the meeting, which is attached and available on its webpage at [www.puc.state.mn.us](http://www.puc.state.mn.us). Docket number E999/M-08-1426 has been opened for creation of a record in this matter.

At the hearing the public will be afforded an opportunity to be heard through presentation of oral or written statements. Written statements may also be submitted for inclusion in the annual hearing record by delivery to the Commission's offices at the address above by the close of business on January 31, 2008. The staff recognizes that the time and location may make it difficult for all interested persons to attend, and emphasizes that written comments are encouraged and will be given equal consideration. The report of the 2007 Annual Hearing is available at [www.energyfacilities.puc.state.mn.us](http://www.energyfacilities.puc.state.mn.us) or in edockets for Docket 07-1579.

Direct all inquiries and written comments regarding the annual hearing to: Bob Cupit, Phone 651-201-2255, email: [bob.cupit@state.mn.us](mailto:bob.cupit@state.mn.us).

A handwritten signature in blue ink, appearing to read "Burl Haar", written over a horizontal line.

Burl Haar, Executive Secretary  
December 5, 2008

Attachment: Hearing Agenda (see next page)

**This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 201-2202 (voice). Citizens with hearing or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.**

[www.puc.state.mn.us](http://www.puc.state.mn.us)

# Minnesota Public Utilities Commission

## Public Hearing Annual Review of Energy Facilities Permitting Programs

December 30, 2008 10:00 AM

3<sup>rd</sup> Floor Small Hearing Room  
121 7<sup>th</sup> Place East  
St. Paul, Minnesota 55101

### AGENDA

- I. Introductions
- II. Overview of Programs
  - A. Public Utilities Commission – Facility Permitting Unit
  - B. Department of Commerce – Energy Facility Permitting Unit
  - C. PUC and DOC coordination of authorities and processes
- III. Projects Reviewed
  - A. Projects completed in 2008
  - B. Pending and anticipated projects
    - Electric Facilities Subject to Power Plant Siting Act
      - 1. Generating Plants
      - 2. Transmission Lines
    - Other Jurisdictional Energy Facilities
      - 1. Wind Projects
      - 2. Pipelines
- IV. Public Questions and Comments
- V. Adjourn



10:  
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20:  
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30:  
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40:  
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List 7801 As of 12/3/08

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Saint Paul, MN 55110-5196

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Joan Marshman  
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Glyndon, MN 56547

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150 South 5<sup>th</sup> Street Suite 2300  
Minneapolis, MN 55402

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GreenHunter Wind Energy  
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Blaine, MN 55449

Joseph Morse  
Bluff Land Environmental Watch  
PO Box 315  
Winona, MN 55987

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MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 2

EQB MONITOR NOTICE



Publication Date: December 1, 2008  
Vol. 32, No.24

Next Publication: December 15, 2008  
Submittal Deadline: December 8, 2008

# EQB MONITOR

## ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: December 31, 2008

**NOTICE: The EQB *Monitor* Publication Calendar for 2009 is included in this edition.**

### **Project Title: City of St. Michael Naber Avenue Extension and Interstate 94 Interchange**

**Description:** The proposed project will extend Naber Avenue from 50<sup>th</sup> Street NE to Wright County State Aid Highway (CSAH) 37 in the City of St. Michael, and includes construction of a new interchange with full access to Interstate 94. The proposed project also includes improvements to the Naber Avenue/50<sup>th</sup> Street intersection as well as the relocation of 55<sup>th</sup> Street to the north of its existing alignment. The extension of Naber Avenue will be constructed as a four-lane roadway. An existing BNSF Railway line will also be relocated to accommodate the proposed interchange.

Copies of the EA/EAW will be distributed to the EQB distribution list and other interested agencies. The EA/EAW can be viewed at the following locations: St. Michael City Hall, 3150 Lander Avenue NE, St. Michael; Roy Simms Community Library, 403 Central Avenue E, St. Michael; Mn/DOT District 3 Offices, 3725 12 Street N, St. Cloud. Comments should be directed to the contact person listed below.

The City of St. Michael will hold a public hearing on Wednesday, December 17, 2008 at the St. Michael City Hall (3150 Lander Avenue NE, St. Michael) from 5:00 p.m. to 7:00 p.m. The public hearing will be held in an open house format. Comments received will become part of the official record. The public comment record will be open through January 5, 2009.

**RGU:** Minnesota Department of Transportation

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements, and other notices. The *EQB Monitor* is posted on the Environmental Quality board home page at <http://www.eqb.state.mn.us/>.

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print, or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Department of Administration. For information on the *EQB Monitor*, contact:

Minnesota Environmental Quality Board  
658 Cedar St., 300 Centennial Office Building  
St. Paul, MN 55155-1388  
Phone: 651-201-2480  
Fax: 651-296-3698  
<http://www.eqb.state.mn.us>

**Contact Person:**

Terry Humbert, P.E.  
Project Development Engineer  
Mn/DOT District 3  
3725 12<sup>th</sup> Street N  
St. Cloud, MN 56303  
Phone: 320-223-6527  
Email: terry.humbert@dot.state.mn.us

**Project Title: Odawa Pond (82-439W) Restoration**

**Description:** The project consists of dredging sediment from DNR public waters wetland 82-439W and restoration of the wetland buffer. The wetland is in Odawa Park in the Park Hills neighborhood of Woodbury. The depth of dredging will be between 0>5 feet and 2.5 feet based on previous sediment sampling.

**RGU:** City of Woodbury

**Contact Person:**

Sharon Doucette  
Environmental Resources Coordinator  
City of Woodbury  
8301 Valley Creek Road  
Woodbury, MN 55125  
Phone: 651-714-3538  
Fax: 651-714-3501  
Email: soducette@ci.woodbury.mn.us

**EIS NEED DECISIONS**

The responsible governmental unit has determined the following projects do not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the *EQB Monitor*.

- Chisago County, Sno Barons Annual Hay Day Event, November 5, 2008(August 11, 2008)
- City of New Prague, Southwest Area Commercial Development, November 3, 2008(September 22, 2008)
- Rochester Common Council, Highland Preserve, November 17, 2008 (September 22, 2008)

**DRAFT AUAR AVAILABLE**

**Project Title: Woodbury Northeast Area AUAR**

**Description:** The Woodbury Northeast AUAR area is approximately 580 acres of contiguous, mostly undeveloped land located along Interstate 94 in northeastern Woodbury. The AUAR assesses the potential environmental impacts of three development scenarios:

*Scenario 1* - This scenario is consistent with the current Comprehensive Plan.

*Scenario 2* - This scenario is consistent with the development plans of property owners in the area.

*Scenario 3* - This alternative scenario looks at a greater mix of land uses than is in the currently approved land use plan.

The major environmental issues associated with development in the Northeast Area that are identified are related to infrastructure (traffic, surface water management, and water), karst topography and open space preservation.

Copies of the AUAR are available for public review at the following locations:

Woodbury City Hall, Community Development Department, 8301 Valley Creek Road, Woodbury, MN 55125

R. H. Stafford Library, 8595 Central Park Place, Woodbury, MN 55125

The AUAR is also available on the city website at [www.ci.woodbury.mn.us](http://www.ci.woodbury.mn.us).

To afford an opportunity for all interested persons, agencies and groups to comment on the AUAR, a community meeting is scheduled for Monday, December 8, 2008 in the Council Chambers at Woodbury City Hall, 8301 Valley Creek Road, Woodbury, MN 55125. The meeting will begin at 7:00 p.m.

**RGU:** City of Woodbury

**Contact Person:**

Sharon Doucette

Environmental Resources Coordinator

8301 Valley Creek Road

Woodbury, MN 55125

Phone: 651-714-3538

Fax: 651-714-3501

Email: [sdoucette@ci.woodbury.mn.us](mailto:sdoucette@ci.woodbury.mn.us)

**Project Title: Lake Elmo Village Area Draft AUAR**

**Description:** The Village Area Draft Alternative Urban Areawide Review (AUAR) is an assessment of potential environmental impacts associated with the development of the 1,275-acre Village Area located in east-central Lake Elmo. The AUAR addresses four development scenarios that provide a range of development options – from 600 to 1,600 residential units – with each scenario providing for 300,000 sq. ft. of commercial space, 150,000 sq. ft. of office space, and 200,000 sq. ft. of institutional space.

**Document Availability:** The AUAR is available for review at Lake Elmo City Hall (3800 LaVerne Avenue North) and at the Rosalie E Wahl Public Library (3479 Lake Elmo Avenue North). The AUAR is also available on the city's website [www.lakeelmo.org](http://www.lakeelmo.org)

**RGU:** City of Lake Elmo

Comment Period: Comments on the AUAR must be sent to the City of Lake Elmo by 4:30 p.m. on Wednesday, December 31, 2008. Written comments should be mailed to Kyle Klatt,, Planning Director, 3800 LaVerne Ave, Lake Elmo, MN 55402 or transmitted via e-mail to [AUARdraftcomments@lakeelmo.org](mailto:AUARdraftcomments@lakeelmo.org).

**Contact Person:**

Kyle Klatt  
Planning Director  
City of Lake Elmo  
3800 LaVerne Avenue  
Lake Elmo, MN 55042  
Phone: 651-777-5510  
Fax: 651-777-9615

## PETITION FILED

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated unit of government to review the petition and decide on the need for an EAW.

- Beltrami County, Balm Lake Shores project

## NOTICES

### Public Meeting Notice – Northern Regional Landscape Committee Minnesota Forest Resources Council

The Northern Regional Landscape Committee of the Minnesota Forest Resources Council (MFRC) will meet on Wednesday, December 10, 2008, from 9:00 a.m. – 2:00 p.m. in International Falls at the Holiday Inn.

For more information, please contact Lindberg Ekola, at 320-256-8300 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>

### Public Meeting Notice – Northern Regional Landscape Committee Minnesota Forest Resources Council

The Northern Regional Landscape Committee of the Minnesota Forest Resources Council (MFRC) will meet on Wednesday, December 17, 2008, from 9:30 a.m. – 3:00 p.m. in Duluth at the Natural Resources Institute (NRRI) building.

For more information, please contact Lindberg Ekola, at 320-256-8300 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>

## Minnesota Public Utilities Commission

### Notice of Annual Hearing

**NOTICE IS HEREBY GIVEN** that the staff of the Minnesota Public Utilities Commission will convene the annual public hearing on the Power Plant Siting and Transmission Line Routing Program from 10:00 to 12:00 a.m. on Tuesday, December 30, 2008, in the Small Hearing Room at the Commission's offices on the third floor of the Metro Square Building, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, Minnesota, 55101.

The annual hearing is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines and to afford interested persons an opportunity to be heard regarding any aspects of the Commission's activities, duties, or policies pursuant to the Power Plant Siting Act, Minnesota Statutes section 216E.001-.18, or its Power Plant and Transmission Line Siting Rules, Minnesota Rules chapter 7849.5020 to 7849.6500.

The Commission has prepared an Agenda for the meeting, available on its webpage at [www.puc.state.mn.us](http://www.puc.state.mn.us).

At the hearing the public will be afforded an opportunity to be heard through the presentation of oral or written statements. Written statements may also be submitted for inclusion in the annual hearing record by delivery to the Commission's offices at the address above by the close of business on January 31, 2008. The staff recognizes that the time and location makes it difficult for all interested persons to attend, and emphasizes that written comments are encouraged and will be given equal consideration.

Direct all inquiries and written comments regarding the annual hearing to: Bob Cupit, Phone 651-201-2255, email: [bob.cupit@state.mn.us](mailto:bob.cupit@state.mn.us).

## EQB Monitor Publication Calendar for 2009

<b>Volume Number</b>	<b>Deadline for Submission</b>	<b>Publication Date</b>	<b>EAW Comment Deadline</b>
32-26	December 22, 2008	December 29, 2008	January 28, 2009
33-1	January 5	January 12	February 11
33-2	January 16 (Friday)	January 26	February 25
33-3	February 2	February 9	March 11
33-4	February 13 (Friday)	February 23	March 25
33-5	March 2	March 9	April 8
33-6	March 16	March 23	April 22
33-7	March 30	April 6	May 6
33-8	April 13	April 20	May 20
33-9	April 27	May 4	June 3
33-10	May 11	May 18	June 17
33-11	May 22 (Friday)	June 1	July 1
33-12	June 8	June 15	July 15
33-13	June 22	June 29	July 29
33-14	July 6	July 13	August 12
33-15	July 20	July 27	August 26
33-16	August 3	August 10	September 9
33-17	August 17	August 24	September 23
33-18	August 31	September 7	October 7
33-19	September 14	September 21	October 21
33-20	September 28	October 5	November 4
33-21	October 12	October 19	November 18
33-22	October 26	November 2	December 2
33-23	November 9	November 16	December 16
33-24	November 23	November 30	December 30
33-25	December 7	December 14	January 13, 2010
33-26	December 21	December 28	January 27, 2010

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 3

COMMISSION WEEKLY CALENDAR NOTICE

# Public Utilities Commission

## Calendar: weekly view

December 29, 2008 - January 2, 2009

[<< last week](#)

[next week >>](#)

**Tuesday, 30th** 10:00 AM, [Power Plant Siting and Transmission Line Routing Program Annual Hearing](#)

E  
F  
G

**Thursday, 1st** OFFICE CLOSED

[Switch to monthly view](#)

### KEY:

- E  
Electricity
- F  
Energy Facilities
- G  
Natural Gas
- T  
Telecom
- O  
Other event

Minnesota Public Utilities Commission • 121 7th Place East, Suite 350 • Saint Paul, MN 55101-2147

Local: 651.296.7124 • Toll Free: 1.800.657.3782 • Fax: 651.297.7073 • [CONTACT US](#) • [eDockets & eFiling](#)

## Public Utilities Commission

### Power Plant Siting and Transmission Line Routing Program Annual Hearing

**Tuesday, December 30, 2008**

**10:00 AM start time**

**Utilities represented: Energy Facilities, Electricity, Natural Gas**

**NOTICE IS HEREBY GIVEN** that the staff of the Minnesota Public Utilities Commission will convene the annual public hearing on the Power Plant Siting and Transmission Line Routing Program from 10:00 to 12:00 a.m. on **Tuesday, December 30, 2008**.

Metro Square Building  
Small Hearing Room, Third Floor  
121 7th Place East, Suite 350  
St. Paul, Minnesota, 55101.

The annual hearing is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines and to afford interested persons an opportunity to be heard regarding any aspects of the Commission's activities, duties, or policies pursuant to the Power Plant Siting Act, Minnesota Statutes section 216E.001-.18, or its Power Plant and Transmission Line Siting Rules, Minnesota Rules chapter 7849.5020 to 7849.6500.

At the hearing the public will be afforded an opportunity to be heard through the presentation of oral or written statements. Written statements may also be submitted for inclusion in the annual hearing record by delivery to the Commission's offices at the address above by the close of business on January 31, 2008. The staff recognizes that the time and location makes it difficult for all interested persons to attend, and emphasizes that written comments are encouraged and will be given equal consideration.

Direct all inquiries and written comments regarding the annual hearing to: Bob Cupit, Phone 651-201-2255, email: [bob.cupit@state.mn.us](mailto:bob.cupit@state.mn.us).

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## Agenda

### Public Hearing Annual Review of Energy Facilities Permitting Programs

## I. Introductions

## II. Overview of Programs

- a. Public Utilities Commission – Facility Permitting Unit
- b. Department of Commerce – Energy Facility Permitting Unit
- c. PUC and DOC coordination of authorities and processes

## III. Projects Reviewed

- a. Projects completed in 2008
- b. Pending and anticipated projects
  - i. Electric Facilities Subject to Power Plant Siting Act
    - 1. Generating Plants
    - 2. Transmission Lines
  - ii. Other Jurisdictional Energy Facilities
    - 1. Wind Projects
    - 2. Pipelines

## IV. Public Questions and Comments

## V. Adjourn

Minnesota Public Utilities Commission • 121 7th Place East, Suite 350 • Saint Paul, MN 55101-2147

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MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 4

HEARING ATTENDANCE REGISTER

# 2008 PPS Annual Hearing

12/30/08

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Alan Muller	Green Delaware & self	amuller@dca.net <sup>org</sup>
Bill Neuman	Chisago County (Please keep me on the list)	ayelink@frontiernet.net
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Ticia DeBleekere	PUC	ticia.debleekere@state.mn.us

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 5

COMPLETED PROJECTS BY TYPE IN 2008

December 2008

**Energy Facility Permitting  
Projects under Review**

Project	Description	Authorization Required	Status
<b>Power Plants</b>			
<b>Mesaba Energy Project</b> TR-05-1277	A 1,200 MW coal gasification plant on the Iron Range, high voltage transmission lines and pipeline by Excelsior Energy. Joint EIS with DOE.	Public Utilities Commission (Commission) combined Site and Route Permit for power plant, HVTL and pipeline	DEIS released in Nov. '07; FEIS expected mid '09; Commission EIS, routing/siting permit decision expected '09
<b>Prairie Island capacity upgrade</b> (Xcel Energy) ISFSI CN-08-510 Uprate CN-08-509 Uprate GS-08-690	125 to 190 MW up-rate and ISFSI expansion	Commission Certificate of Need and Site Permit for up-rate Commission Certificate of Need and Office of Energy Security (OES) EIS for ISFSI expansion	Task Force Summary and Scoping Decision issued in Nov '08; ISFSI expansion CN EIS, Uprate CN ER, and site permit EIS all combined into one EIS DEIS 3/09
<b>Transmission Lines</b>			
<b>Big Stone II 345 kV HVTLs</b> (OTP, et al.) CN-05-169 TR-05-1275	Two separate high voltage transmission lines from the proposed 500+ MW coal-fired Big Stone II Plant in South Dakota proposed by Otter Tail Power Company and six other utilities: one line running north and east from the plant to Morris; a second line running south within South Dakota, then east to Canby and Granite Falls.	Commission Certificate of Need and Route Permit	ALJ report released on remaining CN issues; Commission decision expected January '08

Project	Description	Authorization Required	Status
<b>CapX Group I, 3- 345 kV HVTLs</b> (GRE, Xcel Energy, et al.) CN-06-1115	A group of projects including: CapX West from Brookings to the Twin Cities; CapX Southeast from Hampton Corners to Rochester and La Crosse; and CapX Northwest from Fargo to St. Cloud	Commission Certificate of Need plus OES Environmental Report (EA)	EA issued; ALJ Report pending; Commission action expected early in 2009
<b>CapX Group I – Bemidji North Central 230 kV</b> (OTP, Minnkota, MP) CN-07-1222 TL-07-1327	New 230 kV line from Wilton substation near Bemidji to Boswell substation near Grand Rapids approximately 70 miles long	Commission Certificate of Need and Route Permit Joint state/fed EIS (RUS as fed lead)	Public meetings and Task Force completed; Scoping Decision expected 1 <sup>st</sup> Qtr. '09
<b>Southdale to Sceauxville 115 kV (GRE)</b> TL-08-712	Application to alternative permitting process for a proposed 115 kilovolt (kV) high voltage transmission line and new breaker station in Cross and Crow Wing counties (Baxter and Brainerd area).	Commission Route Permit	EA issued in Dec. '08; Jan. '09 public hearing; Commission decision on route expected by Feb. '09
<b>South Bend – Stoney Creek</b> (Xcel Energy) TL-08-734	Application to Alternative Permitting Process for a proposed rebuild of a 69 kV transmission line to a 115 kV transmission line and two new substations near Mankato.	Commission Route Permit	EA Scope issued in Dec. '08; Commission decision on route expected by Mar. '09
<b>New Ulm 115 kV and sub</b> (Xcel Energy) TL-08-956	Application to alternative permitting process for a proposed 115 kilovolt high voltage transmission line and new breaker station in Nicollet and Brown counties.	Commission Route Permit	EA Scope issued in Dec. '08; Mar. '09 public hearing; Commission decision on route by April '09

<b>Project</b>	<b>Description</b>	<b>Authorization Required</b>	<b>Status</b>
<b>National Wind 115 kV</b> (Northstar Transmission LLC; Emmet County Energy) CN-08-944 TL-08-1120	Application to alternative permitting process for a proposed 10-mile 161 kilovolt transmission line and associated facilities in Jackson County, Minnesota	Commission Certificate of Need and Route Permit	Route Permit application accepted by Commission in Dec. '08. Comments and scoping in Feb. '09
<b>Noble Flat Hill Windpark 230 kV</b> (Noble Flat Hill Windpark I) CN-08-951 TL-08-988	Route Permit Application for the Noble Flat Hill Windpark I associated 230 kV Transmission Line Project	Commission Certificate of Need in conjunction with the Noble Flat Hill Windpark; HVTL Route Permit	Route Permit application accepted by Commission in Dec. '09; scoping for EIS beginning in Feb. '09 (See also wind site permit and CN case)
<b>RIGO</b> (Xcel Energy) CN-08-992	Three 161 kV Transmission Lines in the Rochester area	One Commission Certificate of Need; Three Route Permits	CN and route applications expected in 1 <sup>st</sup> Qtr. '09
<b>Brookings- Twin Cities 345/161 kV</b> (GRE) TL-08-1474	Approximately 230 mile 345 kV transmission project between Brookings, South Dakota, and Dakota County in Minnesota	Commission Route Permit	Application expected before end of Dec. '08
<b>Fargo-St. Cloud-Monticello 345 kV</b> (Xcel Energy)	Approximately 250 mile 345 kV transmission project in two applications, one between Fargo, ND and St. Cloud and one between St. Cloud and Monticello	Two Commission Route Permits	Application for St. Cloud to Monticello expected in 1 <sup>st</sup> Qtr. '09. Application for Fargo to St. Cloud pending.
<b>Rochester to LaCrosse 345/161 kV</b> (Xcel Energy)	Approximately 150 mile 345 transmission project between Dakota County and LaCrosse, Wisconsin.	Commission Route Permit	Application pending

Project	Description	Authorization Required	Status
<b>Hiawatha 2 115kV, 2 subs</b> (Xcel)	One substation near Hiawatha corridor, another in Midtown area, connected by two 115 kV lines approx. 1.25 miles long in Minneapolis	Commission Route Permit	Application expected 1 <sup>st</sup> Qtr. '09
<b>Boswell 230 kV</b> (Minnesota Power)	Approximately 71 mile 230 kV transmission line	Commission Route Permit	Application pending
<b>Other possible power lines:</b>	<b>National Wind</b> , 161 kV to Bryon, 10+ miles <b>Alliant (Bent Tree)</b> , 161 kV, 20+ miles <b>Nashwauk/Minnesota Steel</b> , three 230 kV lines		
<b>Pipelines</b>			
<b>Wind</b>			
<b>Bear Creek Wind</b> (Bear Creek Wind Partners, LLC) WS-07-297	Bear Creek Wind Partners, LLC, applied for a site permit to construct and operate the Bear Creek Wind Project, a 55 MW Large Wind Energy Conversion System (LWECS) in Todd and Otter Tail counties. Project being resized to < 50 MW.	Commission Site Permit	Application accepted in Jun. '07; draft supplement to application received in Dec. '08
<b>Glacial Ridge</b> (Glacial Ridge Wind, LLC) WS-07-1073	Glacial Ridge Wind Project, LLC, proposes to construct and operate a 20 MW Large Wind Energy Conversion System in Pope County.	Commission Site Permit	Application accepted in Sept. '07; to Commission for permit decision 1 <sup>st</sup> Qtr. '09
<b>Bent Tree Wind</b> (Alliant Energy) CN 07-1425 WS-08-573	400 MW Large Wind Energy Conversion System in Freeborn County and an 18 mile 161 kV line (included in CN application).	Commission Certificate of Need and Site Permit	CN application accepted in Aug. '08, route application in Sep. '08. ER scope to be issued in Jan. '09; Commission determining contested case status

<b>Project</b>	<b>Description</b>	<b>Authorization Required</b>	<b>Status</b>
<b>Bitter Root Wind</b> (Buffalo Ridge Power Partners LLC, Global Wind Harvest) CN-08-785 WS-08-1448	135 MW Large Wind Energy Conversion System in Yellow Medicine County.	Commission Certificate of Need and Site Permit	CN and Site Permit applications expected Jan. '09
<b>Noble Flat Hill Windpark I</b> (Noble Flat Hill Windpark I, LLC) CN-08-951 WS-08-1134	Site Application for a 201 MW LWECS in Clay County (includes 230 kV line).	Commission Certificate of Need for the wind park and 230 kV transmission line; Site Permit	CN and Site Permit applications were accepted in Dec. '09; scoping for EIS in lieu of ER beginning in Feb. '09
<b>Eco Harmony Wind</b> (Eco Energy) CN-08-961 WS-08-973	Site Application for a 200 MW LWECS in Filmore County	Commission Certificate of Need and Site Permit	Commission considers application acceptance in Jan. '09; ER scoping meeting expected in Feb. '09
<b>Goodhue Wind</b> (Nat'l Wind, LLC) WS-08-1233	Site Application for a 78 MW LWECS in Goodhue County	Commission Site Permit	Applicant to refile 1 <sup>st</sup> Qtr. '09
<b>Red River Valley Wind</b> (Juhl Wind Inc) WS-08-1262	Site Application for an 80 MW LWECS in Kittson and Marshall counties.	Commission Certificate of Need and Site Permit	Applicant to refile 1 <sup>st</sup> Qtr. '09
<b>Lakes Wind</b> (Paul White) WS-08-1449	Site Application for an approximate 50 MW LWECS in Clay County.	Commission Site Permit	Application expected in Jan. '09

Project	Description	Authorization Required	Status
<b>Community Wind North</b> (Community Wind North) WS-08-1494	Site Application for a 30 MW LWECS in Lincoln County	Commission Site Permit	Application expected in Jan. '09
<b>Grant Co. Wind</b> (Juhl Wind, Inc.)	Site Application for a 20 MW LWECS in Grant County	Commission Site Permit	Application expected in 1 <sup>st</sup> Qtr. '09
<b>Kenyon Wind</b> (Kenyon Wind) WS-06-1445	Site Permit Amendment for an 18.9 MW LWECS in Goodhue County (permitted Jul '06).	Commission Amendment	Commission extended time in Dec. '09; Public comment and decision in Jan. '09
<b>Other possible wind:</b>	Norwegian Grove RES (162 MW, Ottertail Co.) Stocker Wind (Redwood Co., 30 MW) Wolf Wind (Nobles Co.; 60 MW) Clipper (Jackson Co.) site and route PPM Elm Creek II (150 MW) Navitas Timberwolf Wind (200 MW) Nobles County enXco – 2 separate 200 MW projects		

## Energy Facility Permitting Completed Projects by Type

**December 2007 - December 2008**

<b>Project Type</b>	<b>Name (Docket No.)</b>	<b>Commission Decision/Project Description</b>	<b>Date</b>
<b>Generation</b>	<b>Elk River Plant</b> (GRE) CN-07-678 GS-07-715	Public Utilities Commission (Commission) issued a Certificate of Need (CN) and a Site Permit to build a single simple-cycle dual fuel (Natural gas & Fuel Oil) combustion turbine with a capacity of 175 megawatt (MW).	May 08
	<b>Monticello capacity upgrade</b> (Xcel Energy) CN-08-185 GS-07-1567	Commission issued a CN and a Site Permit for a 70 MW increase in the electrical generating capacity of the Monticello Nuclear Generating Plant.	Dec 08
<b>Transmission</b>	<b>Fenton-Nobles 115 kV</b> (Xcel Energy) TL-07-1233	Commission issued a Route Permit for 21 Mile, 115 kV Transmission Line in Murray and Nobles counties. (Part of BRIGO-Buffalo Ridge Outlet-CN.)	May 08
	<b>Chisago 115kV</b> (Xcel Energy) CN-04-1176 TL-06-1677	Commission issued a CN and a Route Permit for a 115 kV transmission line about 20 miles long between the Chisago Substation and St. Croix Falls.	Feb 08 Jun 08
	<b>Rochester 161 kV and Substations</b> (Rochester Public Utilities) TL-07-1366	Commission issued a Route Permit for a seven-mile 161 kV Transmission Line Project in Olmsted County.	Aug 08
	<b>Yankee-Brookings 115 kV Transmission</b> (Xcel Energy) TL-07-1626	Commission issued a Route Permit to construct a six and one-half mile 115 kV segment between the Yankee Substation in Lincoln County and Brookings Substation in Brookings County, South Dakota. (Part of BRIGO-Buffalo Ridge Outlet-CN.)	Aug 08

<b>Project Type</b>	<b>Name (Docket No.)</b>	<b>Commission Decision/Project Description</b>	<b>Date</b>
	<b>Mary Lake Transmission Project</b> (Xcel Energy) TL-07-1365	Commission issued a Route Permit to construct a new 115 kV transmission line in Buffalo, Minnesota. The proposed transmission line will be approximately five miles long and will connect the Mary Lake Substation with the Buffalo Substation.	Sep 08
	<b>Lake Yankton to Marshall Transmission Project</b> (Xcel Energy) TL-07-1407	Commission issued a Route Permit for a 15-mile 115 kV transmission line from its Lake Yankton Substation to the Southwest Marshall Substation in Lyon County. Commission subsequently issued a Minor Alteration for a segment in Mankato. (Part of BRIGO-Buffalo Ridge Outlet-CN.)	Aug 08 Dec 08
<b>Pipelines</b>	<b>Nashwauk - Blackberry Pipeline Project</b> (Nashwauk Public Utilities Commission) GP-06-1481	Commission issue a Route Permit to construct and operate a pipeline in Itasca County, Minnesota. The proposed 24-inch pipeline is designed to deliver natural gas fuel required to operate the Minnesota Steel Nashwauk Taconite Reduction Plant and other industrial customers near the city of Nashwauk.	Apr 08
	<b>Southern Lights Pipeline</b> (Enbridge) CN-07-464 PL-07-360	Commission issued a CN and a Route Permit to construct approximately 108 miles of 20-inch pipeline through the Minnesota counties of Kittson, Marshall, Pennington, Red Lake, Polk, and Clearwater. The pipeline will terminate at the Enbridge existing tank farm and terminal facility near Clearbrook, MN.	Jun 08
	<b>Boswell Pipeline</b> (Minnesota Power) GP-08-586	Commission issued a Route Permit for a high pressure natural gas pipeline originating at the Great Lakes Cohasset Meter Station and terminating at the Boswell Energy Center Gas Delivery Station.	Sep 08

Project Type	Name (Docket No.)	Commission Decision/Project Description	Date
	<b>Alberta Clipper Petroleum and Southern Lights Diluent Pipelines</b> (Enbridge) CN-07-465 PL-07-361	Commission issued a CN and a Route Permit to construct 285 miles of 36-inch-diameter underground petroleum pipeline in Kittson, Marshall, Pennington, Red Lake, Clearwater, Hubbard, Cass, Itasca, Aitkin, St. Louis and Carlton counties. The Alberta Clipper Pipeline terminates in Superior, Wisconsin. The Southern Lights Diluent Project, 188 miles of new 20-inch-diameter underground pipeline, will be co-constructed with the Alberta Clipper Project from Superior, Wisconsin to Clearbrook.  Permitting is on hold for a section through Fond-du-Lac.	Nov 08
<b>Wind</b>	<b>Comfrey Wind Project</b> (Comfrey Wind Energy, LLC) WS-07-318	Commission Issued Site Permit to construct and operate the 31.5 MW LWECS, approximately one mile west of the city of Comfrey, in Brown and Cottonwood counties, using 15 Suzlon 2.1 MW turbines	Jan 08
	<b>Elm Creek Wind Project</b> (Elm Creek Wind, LLC) WS-07-388	Commission issued a Site Permit to construct and operate the 100 MW Elm Creek Wind Project in Jackson and Martin counties.	Jan 08
	<b>Grand Meadow Wind Farm</b> (enXco/Xcel Energy) CN-07-873 WS-07-839	Commission issued a CN (07) and a Site Permit to enXco to own and operate 100 MW of the 200.5 MW Wapsipinicon Wind Project in Mower County, known as Grand Meadow Wind Farm. Commission transferred Site Permit to Xcel Energy in December	Dec 07 Jan 08 Dec 08
	<b>Wapsipinicon North Wind Project</b> (enXco) WS-07-839	Commission issued a Site Permit for the remaining 100 MW of the Wapsipinicon Wind Project in Mower County, known as Wapsipinicon Wind North	Sep 08

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 6

FILED COMMENT: NORTH AMERICAN

WATER OFFICE – CROCKER (2)

## Tricia DeBleeckere

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**From:** George Crocker [gwillc@nawo.org]  
**Sent:** Tuesday, December 30, 2008 11:36 PM  
**To:** Bob Cupit  
**Subject:** Today's meeting

Hi Bob - Here's another comment for your PPSA Annual Meeting Report, and I'd be interested to learn what you think of it.

We've been doing this for quite some time, during which I've and we've said pretty much the same sorts of things about this and that, and you and yours have responded in pretty much the same sort of way as you did today, although I must say, listening to Deb talk for 45 minutes about how to navigate a website that none of us could see (except for "Public Utilities Commission" in big letters) was a bit trying, especially being as there is nothing on your home page that tells people where to go to find the page she was talking about, or am I missing something? How about a big old "Public Participation" button on the home page? But that's not the comment.

So after all these years of doing this, the First Timers today said the same things the First Timers said 20 years ago. That strikes me as rather pathetic. How does it strike you?

thanks for listening, and most sincerely, Bob, Happy New Year.

gwillc

## Tricia DeBleeckere

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**From:** George Crocker [gwillc@nawo.org]  
**Sent:** Monday, January 05, 2009 8:45 AM  
**To:** Bob Cupit  
**Subject:** another comment

Hi Bob - Here's another comment for the PPSA record.

There was a time when we in Minnesota at least pretended that "least cost" planning was important in terms of identifying options for providing electric utility services in a manner that serves public interests. Apparently, not any more. State staff (Ham/Rakow et al) have come right out and said, with reference to CAPX 2020 Phase 1, that it doesn't matter how much these projects cost, because we need them. This, of course, without ever having examined what the actual need is based on reasonably up to date data, and without examining a reasonable set of alternative options for meeting whatever needs actually do exist, including more intelligent conservation, smart grids, and strategic dispersed generation. This being the case, resources spent on PPSA staff, arguably, amount to little more than welfare payments. I would love for you to tell me how and why I am wrong about this.

George Crocker  
North American Water Office

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 7

FILED COMMENT: RIDDLEMOSER

Date: January 07, 2009

To: Bob Cupit  
Manager, Energy Facility Permitting  
Minnesota Public Utilities Commission

Fm: Scott A. Riddlemoser  
2286 County Road 2  
Balaton, Minnesota 56115  
Lyon County

Subj: 2008 Annual Review of Energy Facilities Permitting Programs - Annual Hearing, Agenda item III.b.ii(1) Wind Projects & public comments on any aspect of MN PUC Siting Procedures.

Mr. Cupit,

Per your EMAIL of December 22, 2008 3:54 PM, I hereby submit the following comments/questions pertaining to the current MN PUC Siting Procedures for review and consideration.

PUC ORDER ESTABLISHING GENERAL WIND PERMIT STANDARDS., MNPUC Docket Number: E.G-999/M-07-1102, dated; 11 January 2008.

COMMENT # 01 - As a Minnesota resident who has remained actively involved in the interpretation and implementation of WECS Siting Requirements, I would like to commend the MN Department of Commerce efforts in promulgating the cited PUC Order. This document provided specificity as to the Department of Commerce's logical thought process regarding WECS Set Backs, the reasoning as to why they have been established and how a Wind Turbine's overall height and rotor diameter plays an important role in dictating distances to Non-Participating Landowner property lines outside the Project Boundary.

During the analysis and resultant PUC Order, I had the pleasure of meeting Mr. Adam Sokolski who led that effort. I found it quite refreshing that Mr. Sokolski made himself available not only to Local/County Governmental Planning and Zoning Administrators but also to residents like me in an attempt to make the PUC Siting Process transparent.

QUESTION # 01 - Will the Department of Commerce be designating a staff member to take the reins where Mr. Sokolski left off, that is, be the champion to local governments and residents in providing clear and unambiguous written guidance and/or interpretations of the MN Statutes or PUC Orders governing WECS Development within Minnesota?

COMMENT # 02 - Since the issuance of the PUC Order I've been reviewing many MN County Wind Ordinances that are available on-line and it appears the "Exhibit A" language governing setbacks and standards has not reached some local ordinances. When reading the Distribution/Promulgating statement within the PUC Order on Page # 7, it states:

"The Commission herein adopts the Large Wind Energy Conversion System General Wind Turbine Permit Setbacks and Standards proposed by the Department of Commerce Energy Facility Permitting staff, attached as Exhibit A. The general permit standards shall apply to large wind energy conversion system site permits issued by counties pursuant to Minn. Stat. 216F.08 and to permits issued by the Commission for LWECS with a combined nameplate."

The questions posed below are predicated that a given County has already complied with MN Statute 216F.08 and has submitted written notice to the Public Utilities Commission assuming full responsibility for processing applications for LWECS permits with a combined nameplate capacity of less than 25,000 kilowatts. Additionally, my questions are not about MN Statute 216F.081 and a local entities ability to adopt ordinance standards that are more stringent but more to the point, to what level the Exhibit A Setbacks and Standards within PUC Order should be implemented within local written ordinances.

QUESTION # 02A – PUC Order Exhibit A. Does the PUC consider the contents and specific text/language of the PUC Order, Exhibit A Setbacks and Standards to represent a minimum/mandatory set of requirements that must be adhered to by local entities assuming the Minn. Stat. 216F.08 responsibilities? In other words, the specific text/language of Exhibit A in total establishes a baseline of requirements which are considered minimal mandates. In turn, a local entity can diverge from that Exhibit A baseline of requirements only in the instance where stringent setbacks and standards are specified per MN Statute 216F.081.

QUESTION # 02B – PUC Order Exhibit A. When implementing this Order at local levels can the PUC provide guidance as to what they perceived the steps the local/county Planning and Zoning Administrator’s should take once a PUC Order is approved/issued. For example, should the P&Z Administrators have reviewed existing Ordinances pertaining to WECS and basically inserted the PUC Order Exhibit A Setbacks and Standards language (verbatim and without modification) especially where inconsistencies or conflicts may have occurred within the existing ordinance? The point with this question, if the local ordinances do not reflect/contain the mandated setbacks and standards text/language within the Exhibit A of the PUC Order, the MN residents suffer because the information has not been properly promulgated to allow for a full understanding by all parties concerned.

QUESTION # 02C - PUC Order Exhibit A “Additional General Permit Standards” within Pages 9 thru 15 make reference to standards such as; Soil Erosion and Sediment Control; Hazardous Waste; Native Prairie; Electromagnetic Interference.; Pre-Construction Biological Preservation Survey, and; Archeological Resource Survey and Consultation. Should the P&Z Administrators consider the setbacks & standards within “Exhibit A” all inclusive, or, is adherence to additional permitting requirements beyond the PUC Order also required, such as those within MN Rule 7836.0500 and especially the requirements within Subp. 7 - Environmental Impacts. I noticed “Exhibit A” within PUC Order only makes specific mention of the MN Rule 7836.0500 Subp. 13.

QUESTION # 02D - Is there a possibility the Department of Commerce could re-package the PUC Order contents into a more user friendly format, perhaps in accordance with MN Statute 216.F06 and the creation of a Model Ordinance. It would provide the PUC the opportunity to clearly cite the minimum/mandatory baseline of written setbacks and standards like those contained in the PUC Order. Perhaps a Definitions Section could also be added to provide clarification on the terms like “Wind Access Buffer”, “Project Boundary” and “Landowner Property Line”. Lastly, perhaps a blank section within the Model Ordinance titled: “Adopted More Stringent Standards” (per 216F.081) could be created where local entities can simply insert their more stringent standards. This approach would certainly make it much easier for the PUC to quickly identify the local/county more stringent standards. Lastly, if in the future changes to the MN Statutes dictate a change affecting the Exhibit A requirements, the Model Ordinance could simply be updated and re-issued throughout the state. In turn, the local entities would only update their “Adopted More Stringent Standards” section if warranted.

QUESTION # 02E – If my proposal in Question # 02D is not practical than I would ask, is someone from the Department of Commerce working with local P&Z Administrator’s to validate that the PUC Order Exhibit A standards and setbacks language has been fully implemented within local ordinances if a given county has assumed full responsibility for processing applications for LWECS permits with a combined nameplate capacity of less than 25,000 kilowatts.

COMMENT # 03 – Within the PUC Order Page 3 - Wetland Setbacks it states; The DNR agreed to defer the issue pending further factual development. The Commission could not act on the DNR's recommendation unless and until there was further record development of this issue, the Commission requested the Energy Facility Permitting staff to investigate wetland setback issues with stakeholders and develop recommendations for future Commission consideration.

QUESTION # 03 - Question: What is the status to bring this item to closure and how will the results be promulgated.

The following are general comments pertaining to the contents within the "Exhibit A" Table titled; "General Wind Turbine Permit Setbacks and Standards for Large Wind Energy Conversion System (LWECS) Permitted Pursuant to Minnesota Statute 216F.08.

Wind Access Buffer (setback from lands and/or wind rights not under permittee's control)

COMMENT # 04A - The General Permit Setback definition as written is somewhat counter intuitive; the Wind Access Buffer originates or is measured from a Non-Participating Landowner's Property Line and extends inward within the Project Boundary. A visual diagram issued by the Department of Commerce would be helpful.

COMMENT # 04B - The use of values under the Minimum Setback heading could cause confusion in the future. I would recommend that the "3 RD" and "5 RD" remain because the rotor diameters could vary and that any numeric values be eliminated.

QUESTION # 04 - Within the PUC Order there is little language or guidance concerning the use of the term "all public lands" in applying this setback. Could the PUC provide additional guidance or examples of Public Lands whereby the Wind Access Buffer would apply? Do Wetlands or Native Prairie fall within this category?

Noise Standard

COMMENT # 04C - The use of values under the Minimum Setback heading could cause confusion in the future. I would recommend deletion of "Typically 750 – 1500 ft".

COMMENT # 04D - I'd like to recommend that the PUC maintain a Master Database capturing MN 7030 Noise information where each Wind Turbine Manufacturer has to submit scientific information to the PUC only one time for each unique Model/Part Number that is introduced into the state. In turn, the PUC would provide the local entities with a minimal MN 7030 setback distance for one Wind Turbine in meeting the Residential noise standard NAC 1, L50 50 dBA during overnight hours. That distance would therefore establish a general starting parameter that could be later adjusted due to topology or quantities of Wind Turbines within a given Project Boundary.

Homes

COMMENT # 04E - The General Permit Setback definition as written is somewhat counter intuitive; is the PUC's intent to establish a minimal 500' setback from a home even if the MN 7030 analysis determines it's < 500'. As written under Minimum Setback heading, if the MN 7030 indicates a setback of 520' is that then added to a static 500' therefore equaling 1,020 feet setback. Perhaps this

could be re-written; I believe the PUC's intent is to imply a minimum of 500' from a home, or, the results of MN 7030, whichever is a greater distance.

COMMENT # 05 – MN Statute 216.081 states; "A county may adopt by ordinance standards for LWECS that are more stringent than standards in commission rules or in the commission's permit standards. The commission, in considering a permit application for LWECS in a county that has adopted more stringent standards, shall consider and apply those more stringent standards, unless the commission finds good cause not to apply the standards." I believe it's a good thing to let the local entities know the PUC is fully supportive of 216F.081 in its Siting Procedures.

QUESTION # 05A: Could the PUC please disclose during the 2008 Permitting Process when ANY more stringent local/County Ordinance standards (as allowed in MN Statute 216F.081) actually superseded PUC Standards when permitting a site.

QUESTION # 05B: As an inverse to the # 05A question, could the PUC please disclose during the 2008 Permitting Process when ANY more stringent local/County Ordinance standards were not implemented because the commission found good cause not to apply those standards. Please provide specific details about the local Ordinance vs. the Commission's determination.

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 8

FILED COMMENT: FRESH ENERGY – STOJAN RUCCOLO

**TO:** Bob Cupit, Public Utilities Commission

**FROM:** Erin Stojan Ruccolo, Clean Energy Senior Policy Associate, Fresh Energy

**RE:** Public comments – Power plant siting and Transmission line routing annual hearing  
Submitted by Erin Stojan Ruccolo, Clean Energy Senior Policy Associate, Fresh Energy

**Date:** Monday, Feb. 2, 2009

Each year, the Public Utilities Commission is required to hold a hearing to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines, and to receive public comment on these processes.

These comments will focus on identifying existing problems and proposing solutions in the use of digital communications by the two key state regulatory entities involved in power plant siting and transmission routing proceedings – the Public Utilities Commission and Department of Commerce Office of Energy Security – to inform and engage the public in those proceedings. Specifically, the three websites examined in these comments include:

- The Public Utilities Commission website;
- eDockets and eFiling systems; and
- The Department of Commerce Office of Energy Security website.

#### **Public Utilities Commission website**

The Public Utilities Commission's website offers a tremendous opportunity to efficiently inform, engage and solicit comments from the public on various proceedings, including power plant siting and transmission routing proceedings, and presents a more effective use of PUC staff time in completing these goals. It is worth noting that the Public Utilities Commission website has made important steps forward in using internet technology to increase transparency and engage the public in these proceedings. Among these are:

- An email list notification service that allows users to subscribe to particular dockets and manage their own subscriptions;
- RSS feeds for specific project updates; and
- Permitting process status milestones and a visual gauge to determine where a particular project is in the permitting process.

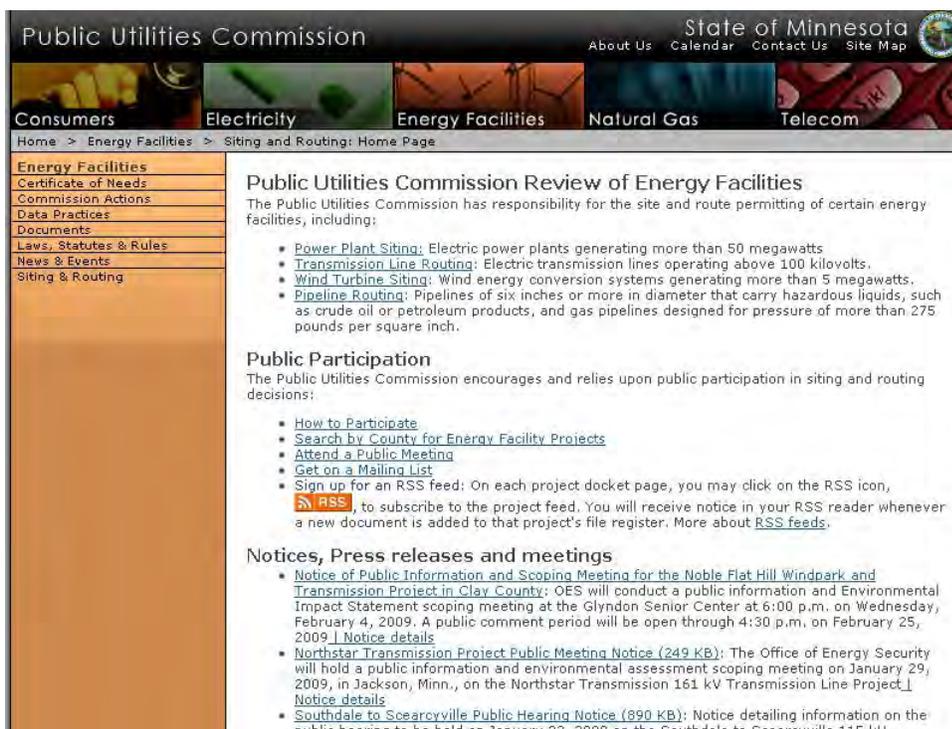
Fresh Energy offers the following suggestions to improve the effectiveness of the Public Utilities Commission's online presence in informing and engaging the public in power plant siting and transmission routing proceedings:

- **Update "Siting and Routing" pages to be consistent.** Strangely, there seem to be two "Siting and Routing" pages on the PUC website:

<http://www.puc.state.mn.us/puc/energyfacilities/siting-routing/index.html> (for the purposes of discussion here, this will be called "**Siting and Routing**")



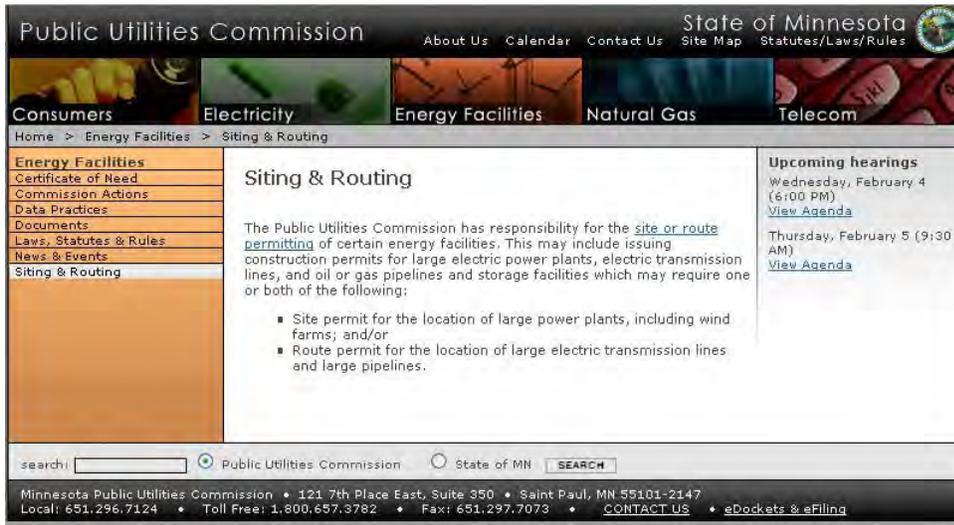
and a much more detailed page, found at URL <http://energyfacilities.puc.state.mn.us/> (titled “Public Utilities Commission Review of Energy Facilities.”)



When a user arrives at the PUC website and clicks on “Energy Facilities,” then on “Siting and Routing” on the left-hand side of the page, they are directed to “Siting and Routing” page, instead of the far more detailed and helpful “Public Utilities Commission Review of Energy Facilities” page.

While a link to “Public Utilities Commission Review of Energy Facilities” page is included in “Siting and Routing” page, it is hyperlinked via the text “site or route permitting” (see screenshot below) – text which is a variation on the page title, as well as the left-hand navigation link title. From this

context, it is not clear to the user where the “site or route permitting” link goes. After all, once the user clicks “Siting and Routing” on the left hand navigation, they should taken to the page that describes siting and routing.



The “Siting and Routing” page content should be replaced with the “Public Utilities Commission Review of Energy Facilities” page. At the very least, if “Siting and Routing” page cannot be replaced on the PUC site at this time, the hyperlinked text “siting or route permitting” should be replaced by more descriptive text such as “How to get involved in siting and routing proceedings” linked to the “Public Utilities Commission Review of Energy Facilities” page.

- **Electronic subscriptions to projects.** While the PUC’s “Review of Energy Facilities” workspace, which allows users to manage their email list subscriptions to various routing and siting proceedings updates, is a tremendous improvement, it is unclear if the email lists associated with power plant siting and transmission routing projects are indeed the same as the actual docket service list, or if a member of the public must contact a PUC staff person to be added to the service list. Further, if mailing lists are not the same as service lists, it would be helpful to clearly delineate the difference between the two lists – specifically, what information, if any, that is only posted to the service list and not to the mailing list.

As a side note, during the registration process for the Review of Energy Facilities email list system, it may be advisable to add a confirmation email address field, in case the user mistypes his or her email address the first time. This safeguard would avoid users mistakenly believing they are subscribed to a list when in fact they are not because they mistyped their email address when registering.

- **List of dockets open for public comment.** To further aid in soliciting public comments, the Public Utilities Commission website should maintain and prominently display on the PUC homepage an updated list of dockets open for public comment, public comment deadline for each docket, a link to the docket’s project page and public comment instructions.
- **Electronic subscription service for PUC meeting calendar.** An email and/or rss subscription service should be available to notify those who sign up of the week’s upcoming PUC meetings,

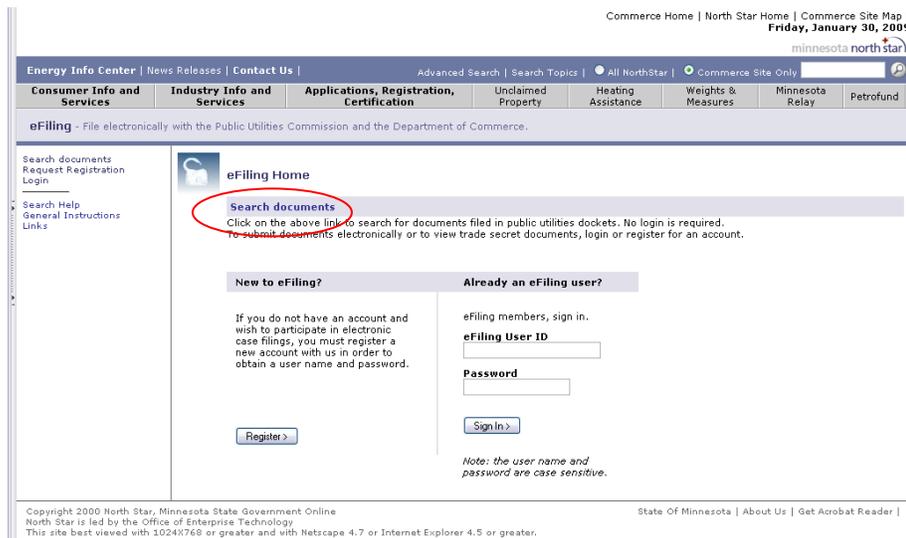
agendas and agenda changes. Interestingly, this service seems to be available under the Public Utilities Commission Review of Energy Facilities mailing list workspace for EQB meetings (via “My profile” tab, then, in the “View other optional information” block, click on “show” next to “Mailing Lists”), but not for Public Utilities Commission meetings.

- **Extend email/RSS subscriptions and docket summary pages to all routine electricity PUC dockets.** While this is beyond the scope of this public comment process, it is our hope that these tools – RSS feeds, email lists that subscribers can manage, and project pages with process milestones and status – can be available in some form for all routine electricity proceedings in front of the PUC, including rate cases and integrated resource plans, as these proceedings should also be made easier for the public to understand and become engaged in.

### **eFiling and eDockets**

Fresh Energy eagerly anticipates improvements to the eFiling and eDockets system, which manage dockets and filings for the PUC and Department of Commerce. Among the changes that should be made to improve transparency and accessibility to power plant siting and transmission routing proceedings:

- On the eFiling homepage, <https://www.edockets.state.mn.us/EFiling/home.jsp>, the “Search documents” link is difficult to find, as it is presented as header text and no other headers are hyperlinked. This important functionality should be made more visually important by creating a button or at the very least a link under the header text, to follow the visual information scheme of the rest of the site.



- When new accounts are created on eFiling, the eFiling system does not accept email addresses with a dash without a special workaround by Department of Commerce staff – both an obstacle to public participation in the eFiling system, as well as an unnecessary investment of Department of Commerce staff time.

### **Department of Commerce Office of Energy Security**

Department of Commerce Office of Energy Security staff work on power plant siting and transmission routing matters before the Public Utilities Commission. The Public Utilities Commission and Department

of Commerce Office of Energy Security have a unique complementary relationship in power plant siting and transmission routing proceedings, with one serving an analytical role, and the other an advocacy role. However, OES's online presence is overall, quite frankly, confusing. The OES website does very little to describe the specific role of OES in power plant siting and transmission routing proceedings, let alone the contributions of OES in active proceedings currently before the PUC.

Obstacles encountered by members of the public seeking information on OES's work on power plant siting and transmission routing include the following:

- **Unclear internet search engine results.** A Google search of "Office of Energy Security Minnesota" reveals a page entitled "Energy Info Center" with no mention of the Office of Energy Security in the page title – thoroughly confusing for members of the public looking for the Office of Energy Security. Other prominent results for this search include links to third party websites, including the Department of Energy and Chippewa Valley Ethanol Company.



If a member of the public were in fact to choose the correct link, in Google search results labeled "Minnesota Commerce: Energy Info Center," they would be taken to this page (screenshot below):

Commerce Home | North Star Home | Commerce Site Map | Friday, January 30, 2009  
 minnesota north star

Energy Info Center | News Releases | Contact Us | RSS Feeds | Advanced Search | Search Topics | All NorthStar | Commerce Site Only

Consumer Info and Services | Industry Info and Services | Licenses, Registration, Certification | Unclaimed Property | Heating Assistance | Weights & Measures | Minnesota Relay | Petrofund

**Consumer Info and Services**  
 Home of one of Minnesota's leading sources of unbiased energy information, the Energy Info Center. Check out our publications and tips, all designed to give you helpful, unbiased information so you can be a better consumer of energy, a more careful purchaser of real estate or insurance, a wiser telephone user ... and a lot more! Also, find out how to file a complaint, look-up licensed individuals and businesses, check on enforcement actions, and find rule making activity.

Rule Making  
 Request for Proposal  
 License Lookup  
 Look Up Ins. Cos. by Type  
 Financial Licensee Lists  
 Have a Complaint?  
 Do Not Call Info  
 All Publications & Tips  
 Order Publications/CD  
 Petrofund  
 Telecommunications  
 Minnesota Relay  
 For Military Personnel  
 Insurance  
 Buildings & Builders  
 Energy Info Center  
 Home Energy Guides  
 Bioenergy & Biofuels  
 Solar  
 Wind  
 Energy Incentives and Grants  
 Lighting  
 Kids Only!  
 Energy Star  
 Ice Dams  
 Gasoline Pricing Info  
 Links to Utilities  
 Sound Advice - Energy

**Energy Info Center**  
**office of energy security**  
 Minnesota Department of Commerce

**utilities**

**What's news at OES**  
**Gas & Electric Utility Reports** January 29, 2009  
 New gas and electric utility jurisdictional annual reporting forms covering the year 2008 are now available. Reports are due by May 1, 2009.

**Minnesota Conservation Improvement Program (CIP) Energy and CO2 savings report** January 21, 2009  
 Conservation is a critical part of Minnesota's efforts to meet its energy needs and reduce greenhouse gases. This report identifies utility spending on Conservation Improvement Program (CIP) activities in 2006 and 2007 along with the achieved energy savings and avoided carbon dioxide emissions. The reported levels represent utility activities prior to the passage of the Next Generation Act of 2007, which further increased Minnesota's commitment to energy savings.

**Development of a Solar Rating and Certification Lab in Minnesota** January 21, 2009  
 A report outlining the costs and considerations of establishing a Minnesota-based solar testing laboratory developed in response to the legislature's concerns that the Solar Rating and Certification Corporation...

**Stay Warm Minnesota**  
 www.staywarm.mn.gov

**More Energy Info**  
 Energy Policy Reports  
 Energy Data & Stats  
 Utility Conservation  
 Facility Siting Information  
 Conservation in residential buildings

**Alternative Fuel Trip Planner**  
 Alternative Fueling Station Locator

Need to know where to buy E85

Above is a screenshot of the OES website homepage, available at the URL  
<http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536881511&id=-536881350&agency=Commerce>

From this page, the relationship between the Energy Information Center and Office of Energy Security is unclear.

- “Energy Info Center” is the title text of the page, but the large logo says “Office of Energy Security.” It seems that the Office of Energy Security could be a subset of the Energy Info Center (screenshot below.)

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Energy Info Center | News Releases | Contact Us | RSS Feeds | Advanced Search | Search Topics | All NorthStar | Commerce Site Only

Consumer Info and Services | Industry Info and Services | Licenses, Registration, Certification | Unclaimed Property | Heating Assistance | Weights & Measures | Minnesota Relay | Petrofund

**Consumer Info and Services**  
 Home of one of Minnesota's leading sources of unbiased energy information, the Energy Info Center. Check out our publications and tips, all designed to give you helpful, unbiased information so you can be a better consumer of energy, a more careful purchaser of real estate or insurance, a wiser telephone user ... and a lot more! Also, find out how to file a complaint, look-up licensed individuals and businesses, check on enforcement actions, and find rule making activity.

Rule Making  
 Request for Proposal  
 License Lookup  
 Look Up Ins. Cos. by Type  
 Financial Licensee Lists  
 Have a Complaint?  
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 Energy Star  
 Ice Dams  
 Gasoline Pricing Info  
 Links to Utilities  
 Sound Advice - Energy

**Energy Info Center**  
**office of energy security**  
**utilities**

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 Utility Conservation  
 Facility Siting Information  
 Conservation in residential buildings

**Alternative Fuel Trip Planner**  
 Alternative Fueling Station Locator

Need to know where to buy E85

- Further, the description on the top of the page, in the purple box, says "Consumer Info and Services" – the same text as an item in the top gray persistent navigation – but that link leads to a different page altogether at URL <http://www.state.mn.us/portal/mn/jsp/content.do?id=536881350&agency=Commerce> (screenshot below.)

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Rule Making  
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 License Lookup  
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**Energy Info Center**  
**office of energy security**  
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 Energy Policy Reports  
 Energy Data & Stats  
 Utility Conservation  
 Facility Siting Information  
 Conservation in residential buildings

**Alternative Fuel Trip Planner**  
 Alternative Fueling Station Locator

Need to know where to buy E85

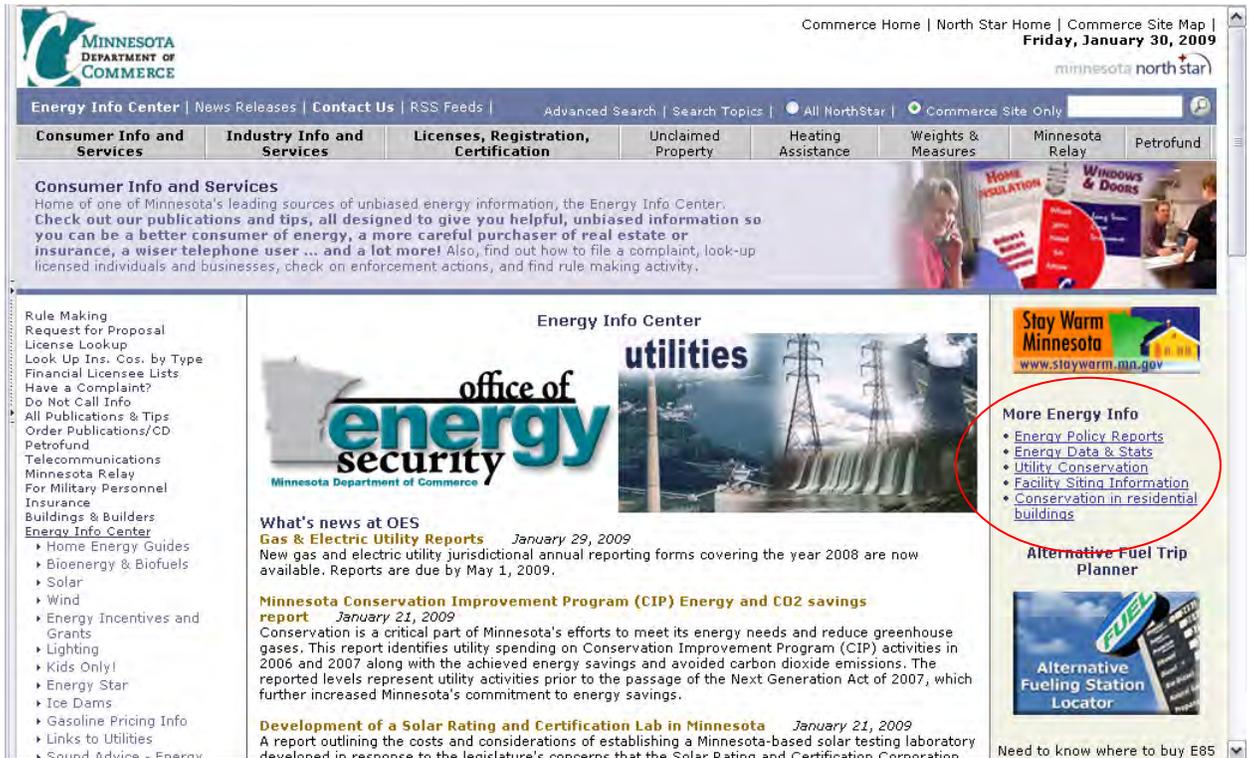
- Finally, on the left-hand navigation, which seems to provide some clues as to where the visitor is on the site in relation to other content, “Energy Info Center” is highlighted, suggesting the user is at the Energy Info Center website, not the OES site (screenshot below.)



Even after untangling these confusing identifying pieces and the user deciding that they are indeed at the right web page, additional obstacles encountered when trying to find information related to siting power plants or transmission routing proceedings within the OES website include:

- Unclear staff contact information.** In contrast to the Public Utilities Commission website, there is very little obviously available information on the Department of Commerce website regarding who staffs the divisions of OES or their contact information, including pertinent staff to the routing and siting process, such as current OES Director William Glahn, Marya White, Manager of Energy Planning and Advocacy, or Janet Streff, State Energy Office Manager. The OES website should at least include an OES manager-level staff directory, with a link to this page prominently displayed on the main site navigation.
- Buried and unclear navigation.** A selection of the Office of Energy Security’s most recent activities are represented in a chronologically-ordered “What’s New” section on the Energy Information Center homepage. While it is good to keep fresh material on the homepage, these items change over time, and it is unclear where to find them after they are no longer displayed on the homepage.
- Navigation to power plant siting and transmission routing area of OES site unclear.** Additional OES information, including information about facility siting, is located in a column on the far right-

hand side of the page, under the headline “More Energy Info”; however, these links are confusing in that they could be easily understood to be an external link outside of the Department of Commerce or Office of Energy Security, much as the “Stay Warm Minnesota” and “Alternative Fueling Station Locator” buttons in the same column are (screenshot below.)



In fact, “Facility Siting Information” actually goes to the Public Utilities Commission’s “Public Utilities Commission Review of Energy Facilities” page at URL <http://energyfacilities.puc.state.mn.us/>.

However, if a user were to click the other OES links under “More Energy Info” – say, “Energy Policy Reports,” URL <http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536881736&sc2=-536887792&id=-536881351&agency=Commerce&sp2=y>, they would be taken to this page:

<ul style="list-style-type: none"> <li>Cigarette Pricing</li> <li>Energy Utilities <ul style="list-style-type: none"> <li>› About Us</li> <li>› Utility Annual Reporting Forms</li> <li>› Energy Data &amp; Statistics</li> <li>› Fuel Monitoring</li> <li>› Deposit Interest Rates</li> <li>› C.I.P.</li> <li>› <b>Energy Policy</b> <ul style="list-style-type: none"> <li>› Development of a Solar Rating and Certification Lab in Minnesota</li> <li>› Greenhouse Gas Emissions Reduction Report</li> <li>› Compliance with Renewable Energy Objectives</li> <li>› Hydrogen and Fuel Cell Codes and Standards</li> <li>› Dispersed Renewable Generation Study</li> <li>› Minnesota Climate Change Advisory Group Report</li> <li>› Minnesota Energy Emergency Plan</li> <li>› The Next Generation: Renewable Energy Objective 2007</li> <li>› Summary-Next Generation Energy Initiative</li> <li>› Hydrogen Strategic Demonstration Projects</li> <li>› Hydrogen Potential</li> <li>› Quadrennial Report - 2004</li> <li>› Wind Integration Study</li> <li>› Phase 2-Distributed Generation Report</li> <li>› Report on Distributed Generation</li> <li>› Standards for Electric Distribution Utilities</li> <li>› Quadrennial Report of 2000</li> <li>› 2001 Energy Planning Report</li> <li>› Universal Energy Service</li> <li>› <b>Utility Routing and Siting</b></li> </ul> </li> </ul> </li> </ul>	<p><b>Energy Policy</b> Reports related to energy policy including the Quadrennial Planning Report and many others.</p> <p><b>Development of a Solar Rating and Certification Lab in Minnesota</b> A report outlining the costs and considerations of establishing a Minnesota-based solar testing laboratory developed in response to the legislature's concerns that the Solar Rating and Certification Corporation, the nationally recognized solar thermal certification organization, was inadequately serving Minnesota's solar thermal industry.</p> <p><b>Greenhouse Gas Emissions Reduction Report</b> Report details Minnesota's progress in reducing greenhouse gas (GHG) emissions and makes policy recommendations to achieve the GHG emission reductions set in the Next Generation Energy Act of 2007. Recent data indicates GHG emissions from Minnesota sources declined by about 2 million CO2-equivalent short tons between 2005 and 2006. The report was prepared for the legislature by the Minnesota Department of Commerce, Office of Energy Security (OES) and the Pollution Control Agency (MPCA).</p> <p><b>Compliance with Renewable Energy Objectives</b> The progress each individual electric utility in Minnesota has made in increasing the amount of renewable energy provided to retail customers. This is part of Minnesota's Renewable Energy Objectives</p> <p><b>Hydrogen and Fuel Cell Codes and Standards</b> This report identifies recommendations to facilitate the adoption of uniform codes and standards for hydrogen infrastructure, fuel cells and related technologies along with a review of the status of existing hydrogen codes and standards in the state. This legislatively mandated report is a joint project of the Departments of Commerce and Labor &amp; Industry.</p> <p><b>Dispersed Renewable Generation Study</b> State Legislation in 2007 required a statewide study of dispersed renewable generation potential to identify locations in the transmission grid where a total of 1200 MW of relatively-small renewable energy projects could be operated with little or no change to the existing infrastructure.</p> <p><b>Minnesota Climate Change Advisory Group Report</b> Public comments on the Minnesota Climate Change Advisory Group's recommended strategies to the Governor and State Legislature on how the state can reduce GHG emissions and meet the state's carbon reduction goals.</p> <p><b>Minnesota Energy Emergency Plan</b> The goal of the Minnesota Energy Emergency Plan is to enable the Department of Commerce to meet the requirements state law and provide energy stakeholders in the state with information vital to understanding the background and causes of most energy shortages, the roles of fellow stakeholders, the relative vulnerability of various consumers of energy in relation to the supply of energy, and options for mitigating the impact of any energy shortage in the state.</p> <p><b>The Next Generation: Renewable Energy Objective 2007</b> Minnesota's Smart Renewable Standard: Describing Minnesota's Renewable Energy Objective, discussing the importance of Community Based Energy Development, providing details for the Governor's proposed improvements to the REO, defining a number of key issues regarding renewable energy development in Minnesota and more ...</p>
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On this page, the user would see on the left hand persistent navigation a link called "Utility Routing and Siting," taking the user to this page, URL  
<http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536881736&sc2=-536893913&id=-536881351&agency=Commerce&sp2=y> (screenshot below):

MINNESOTA DEPARTMENT OF COMMERCE

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Consumer Info and Services | Industry Info and Services | Licenses, Registration, Certification | Unclaimed Property | Heating Assistance | Weights & Measures | Minnesota Relay | Petrofund

**Industry Info and Services**  
Up-to-date information for and about each of the industries we regulate. Includes research, data, government policy and initiatives, policy filing procedures and manuals.

**Energy Utilities**

**Utility Routing and Siting**  
Information and links related to the routes and siting of power lines, pipelines and energy production facilities.

**PUC Review of Energy Facilities**  
This link will take you to the Public Utilities Commission website for detailed information on energy facility routing and siting.

**Facility Siting Notices**  
Notices of public meetings related to energy facility siting projects.

**Also of interest on our site**

- [Go to Enforcement Actions](#)
- [Go to File a Complaint](#)
- [License Lookup Tool](#)

Rule Making  
Request for Proposals  
Cigarette Pricing  
Energy Utilities  
  ▶ About Us  
  ▶ Utility Annual Reporting Forms  
  ▶ Energy Data & Statistics  
  ▶ Fuel Monitoring  
  ▶ Deposit Interest Rates  
  ▶ C.I.P.  
  ▶ Energy Policy  
  ▶ **Utility Routing and Siting**  
    ▶ PUC Review of Energy Facilities  
    ▶ Facility Siting Notices  
Financial Services  
Franchises  
Insurance  
Real Estate  
Residential Mortgage Originators  
Securities  
Telecommunications

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There, a user would find a link to the PUC Review of Energy Facilities page (URL <http://energyfacilities.puc.state.mn.us/>) and a link called “Facility Siting Notices.”

The “Facility Siting Notices” link (URL <http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536881736&programid=536915234&sc3=null&sc2=-536893913&id=-536881351&agency=Commerce>) is described as “notices of public meetings related to energy facility siting projects,” which when clicked on contains no notices (screenshot below)

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  Fuel Monitoring  
  Deposit Interest Rates  
  C.I.P.  
  Energy Policy  
  Utility Routing and Siting  
    PUC Review of Energy Facilities  
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even though a quick visit to the PUC Energy Facilities page (URL <http://www.puc.state.mn.us/puc/energyfacilities/index.html>) reveals two such meetings in the next week.

Public Utilities Commission

About Us | Calendar | Contact Us | Site Map | Statutes/Laws/Rules

Consumers | Electricity | Energy Facilities | Natural Gas | Telecom

Home > Energy Facilities

**Energy Facilities**

- Certificate of Need
- Commission Actions
- Data Practices
- Documents
- Laws, Statutes & Rules
- News & Events
- Siting & Routing

**Energy Facilities**

**Commission Responsibilities**

The Commission's Energy Facilities Unit manages state oversight of proposals to construct or modify large energy facilities in Minnesota, which include electric power plants and transmission lines, wind power generation plants, and gas and petroleum facilities. The Commission's jurisdiction may include a state Certificate of Need and/or a state Site or Route Permit. Applications for projects subject to the Commission's jurisdiction are filed with the Commission in compliance with state statutes and administrative rules. Joint applications for a Certificate of Need and a Site or Route Permit are allowed. The Commission's procedures for review of proposed large energy facilities incorporate compliance with the Minnesota Environmental Policy Act and provide for broad spectrum public participation, including timely public notice and multiple opportunities for public comment. The Commission's decisions preempt local jurisdictional authority. Information about past and current project permitting dockets is available on Certificate of Need and Siting and Routing. In addition to the review of requested permits for large energy projects, the Public Utilities Commission has specific jurisdiction related to electric transmission planning.

**History**

The Siting and Routing Permits jurisdiction was transferred by 2005 legislation from the Minnesota Environmental Quality Board to the Minnesota Public Utilities Commission. The staff supporting the program were moved to the Office of Energy Security within the Minnesota Department of Commerce. This program and its staff (Energy Facilities Permitting section) assist the commission by administering the review and analysis of siting and routing applications, and making recommendations to the commission for decisions. Certain environmental review procedures are the exclusive jurisdiction of the Office of Energy Security.

**Upcoming hearings**

- Wednesday, February 4 (6:00 PM)  
[View Agenda](#)
- Thursday, February 5 (9:30 AM)  
[View Agenda](#)

search:  Public Utilities Commission  State of MN

Minnesota Public Utilities Commission • 121 7th Place East, Suite 350 • Saint Paul, MN 55101-2147  
Local: 651.296.7124 • Toll Free: 1.800.657.3782 • Fax: 651.297.7073 • [CONTACT US](#) • [eDockets & eFiling](#)

Conflicting information between the OES site and the PUC site is at best confusing, and at worst misleading.

Moreover, none of the OES site links contain the reports or analysis of OES staff relating to current power plant siting or transmission routing proceedings, though OES has dozens of employees that complete some part of this task.

- **Underutilization of RSS feeds to keep the public notified by OES.** The Department of Commerce RSS feed includes updates from across all divisions of the Department; for a member of the public searching for reports and other work relating to power plant siting and transmission routing, that's a lot of extra information to sift through. Instead, there should be additional, specific RSS feeds for content posted by particular divisions within the Department, including Office of Energy Security.
- **OES not listed in Department of Commerce divisions contact list nor within Department of Commerce website site map.**
  - The general "Contact Us" page on the Department of Commerce's website does not even list the Office of Energy Security, let alone the staff managing power plant siting or transmission routing proceedings. The only OES entity listed on this contact list is the Energy Information Office, which, while an important public resources, should not be the only OES entity with listed contact information. Just by looking at the contact list, which lists all other Department of Commerce divisions, one could understandably assume that there was no Office of Energy Security in the Department.
  - Further, the Office of Energy Security is not listed in the Department's website overall site map.

In summary, the Department of Commerce's Office of Energy Security plays a significant role in power plant siting and transmission routing proceedings; however, from looking at the OES website, one might easily assume that its role in this process is negligible. OES should have a web presence on the Department of Commerce that accurately reflects its prominent role in and contributions to the power plant siting and transmission routing process.

OES would be well-served by

1. An online system that organizes siting and routing projects and allows for user-managed electronic notification in power plant siting and transmission routing proceedings, and additionally organizes OES contributions to individual project dockets for easy access by the public;
2. An overall Department of Commerce site navigation scheme, site map, and contact page that lists OES as a division within the Department of Commerce; and
3. A better OES staff contact list that lists contact information for key staff within OES who contribute to power plant siting and transmission routing proceedings.

## Conclusions

- While there is room for improvement, the Minnesota Public Utilities Commission Energy Facilities Review website page has made significant strides in making information for power plant siting

and transmission routing proceedings available to the public. Fresh Energy suggests a few changes to better explain the difference between the email list notifications and the formal docket service list, and, in the “Energy Facilities” section of the site, consistent use of the more detailed Public Utilities Commission Review of Energy Facilities page (<http://energyfacilities.puc.state.mn.us/>) in the left-hand navigation instead of the Siting and Routing page (<http://www.puc.state.mn.us/puc/energyfacilities/siting-routing/index.html>).

- Fresh Energy encourages the Public Utilities Commission to treat its other routine electricity dockets, such as Integrated Resource Plans and rate cases, in the same fashion as power plant siting and transmission routing dockets are treated – with email and rss opportunities to subscribe to docket updates, docket summary pages, and milestones and status reports for each docket – to further encourage public engagement in those proceedings as well.
- Further, Fresh Energy urges the Department of Commerce Office of Energy Security to increase its presence on the Department of Commerce website navigation, site map and contact pages, and specifically to post its analysis and contributions relating to current siting and routing proceedings, reflecting its significant role in those proceedings.

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 9

FILED COMMENT: BILL NEUMAN

## Comments for the record of the 2009 Annual Power Plant Siting Act Hearing

Submitted to: Bob Cupit  
Manager, Energy Facility Permitting  
Minnesota Public Utilities Commission  
651-201-2255  
[Bob.Cupit@state.mn.us](mailto:Bob.Cupit@state.mn.us)

Submitted by: Bill Neuman  
18837 Osceola Road  
Shafer, MN 55074  
651-257-6654  
[ayelink@frontiernet.net](mailto:ayelink@frontiernet.net)

- Regarding:
1. Transmission line routing—potential for causing non-compensable scenic and economic impacts to Minnesota Scenic Byways and National Scenic Byways located in Minnesota.
  2. Public participation that will safeguard the public value of achieving environmental protection when making siting decisions.

### Minnesota Scenic Byways

1. The State of Minnesota has designated twenty-two (22) select roadways as scenic byways. Together they encompass more than 2,800 miles of statewide scenic routes ranging in length from a short 9-mile scenic byway to the Great River Road covering 575 miles. Six (6) of the Minnesota byways are also federally designated as National Scenic Byways, but all 22 byways fall under the National Scenic Byways Program, which is part of the U.S. Department of Transportation, Federal Highway Administration. (See Attachment 1 — FHWA Docket No. 95-15 — National Scenic Byways Program — Federal Register / Vol. 60, No. 96 / Thursday, May 18, 1995, pages 26759-26762 / Notices)

2. The National and Minnesota Scenic Byways programs are established to recognize, preserve and enhance selected road corridors that are unique, based on the recognized existence of six (6) intrinsic qualities, including archaeological, cultural, historic, natural, recreational and scenic qualities along the scenic byway route. Under the byways programs, “(c)orridor means the road or highway right-of-way and the adjacent area that is visible from and extending along the highway. The distance the corridor extends from the highway could vary with the different intrinsic qualities.” (Ibid., p.26759).

3. In order to protect scenic qualities along Minnesota’s scenic byways, corridor viewsheds must be protected from unwarranted scenic intrusions. Corridor width (viewshed) can vary depending on topography and ground cover. Typical scenic-protection zones can extend from as few as several hundred yards to as many as ten miles, depending on screening from the roadway by vegetation and geological features. The remainder of what is not screened and remains visible from the road is the landscape area managed for protection from scenic intrusions. The Minnesota River Valley Scenic Byway management plan has established a ten-mile viewshed protection zone.

4. The federal program gives guidance for protecting scenic qualities against unwarranted visual impacts such as those caused by construction of billboards. The program further clarifies when and how state and federal scenic byway designations create an obligation on the part of state and local governments to protect scenery. “As provided at 23 U.S.C. 131(s), if a State has a State scenic byway program, the State may not allow the erection of new signs not in conformance with 23 U.S.C. 131(c) along any highway on the Interstate System or Federal-aid primary system which before, on, or after December 18, 1991, has been designated as a scenic byway under the State’s scenic byway program. This prohibition would also apply to Interstate System and Federal-aid primary system highways that are designated scenic byways under the National Scenic Byways Program and All-American Roads Program, whether or not they are designated as State scenic byways.” (Sec. 1047, Pub. L. 102–240, 105 Stat. 1914, 1948, 1996; 23 U.S.C. 131(s); 23 U.S.C. 315; 49 CFR 1.48).

5. Minnesota designated scenic byways and federally designated National Scenic Byways are located throughout the state. Attachment 2 is an image map that shows the general locations of the Minnesota Scenic Byways. Attachments 3-9 are GIS map files that were recently prepared by the Minnesota Department of Transportation’s *Office of Transportation Data & Analysis, Geographic Information and Mapping Unit*. The GIS files include a shapefile containing all the byways. Each byway is mapped using road segments currently on a MNDOT basemap. At this point in development of a Minnesota Scenic Byways GIS database, few segments per byway have been merged. Each byway is indicated by name along with an "X" if it is a national byway. There are a few alternate sections as well and are marked as such.

6. The Minnesota Scenic Byways GIS files are provided for the PPSA Annual Hearing record, to permit their use in locating byways and determining potential scenic impacts from routing high voltage transmission lines. For example, one intended use of the maps is to determine potential scenic impacts within the CapX2020 (CapX) project study corridors. Multiple requests from byway partners for access to CapX project study area GIS shapefiles went unheeded by the CapX Applicants. This points out a significant limitation on the public’s ability to participate in high voltage transmission line applications, not just in the routing applications but also during the formative Certificate of Need project development phase. Requests for CapX GIS map files were also directed to Public Utilities Commission staff, again to no avail.

7. The Public Utilities Commission, the Department of Commerce and the Office of Energy Security do not maintain GIS databases for evolving projects and do not require utilities and potential applicants to provide GIS map files that the public could use to determine, upfront, whether they need to be involved in a specific docket. Any limitation in utility cooperation, along with an absence of maintained map files at the agencies, effectively shuts out the public from meaningful, accurate, and informed participation during the Certificate of Need phase, which ultimately determines broadly where impacts from a route application could occur.

8. Regardless, a good faith comparison of generic CapX maps with the Minnesota Scenic Byways GIS maps demonstrates multiple scenic byways will be impacted by the CapX Phase 1 projects, and yet the Applicants have ignored assessment of environmental harm to byways.

This needs to be remedied. Fully 25-30% of all Minnesota scenic byways will be crossed or paralleled by Phase 1 CapX proposed lines. Phases 2 and 3 would bring impacts to a majority of Minnesota's scenic byways. The agencies can help by requiring Applicants to provide GIS-based map files to the public, now, and also in future, as part of any CON application. This would provide some recognition by State agencies that accurate maps represent but a first baby step in facilitating public participation. In order for the agencies to enter the 21<sup>st</sup> Century they must create and maintain GIS databases for transmission mapping. From a public perspective GIS mapping resources, that are available for use by the public, are certainly implied in the biennial transmission planning rules. Further, to meet the goal of achieving knowledgeable public participation, agencies must mandate GIS-based map files be submitted with any utility application, including project study area maps under review in the biennial transmission plan or for Certificate of Need. As a side note pointed out in the PPSA Hearing, it goes without saying that the State is derelict in its oversight obligation to review project 'need' using its own electrical engineering staff that can read power flows and corroborate or refute data submitted by utilities in support of applications for CON.

9. The Minnesota Scenic Byways Commission, comprised of four Minnesota agencies — the Minnesota Office of Tourism, the Minnesota Historical Society, the Minnesota Department of Natural Resources and the Minnesota Department of Transportation — provides direction, management assistance and promotion to the 22 Minnesota scenic byways. The Minnesota Scenic Byways Program and individual scenic byways are integral parts of a more than \$12 billion annual tourism business in the state. The importance of scenic byways to local economies cannot be overstated, and scenic intrusions that are visible from those byways can cause irreparable harm to communities that depend mostly on visitors and tourism income.

10. Each Minnesota scenic byway is managed to promote public uses, recreation and tourism opportunities, and to promote community economic development. Economic development along byway routes increasingly depends on whether communities are successful in maintaining scenic integrity of the byway route and can protect byway viewsheds from unwarranted and incompatible scenic intrusions. Scenic intrusions quickly erode quality of life for residents, and reduce or eliminate tourism income from visitors. Economic studies and experience have demonstrated that, given the wide range of choices of locations that potential visitors can choose for travel, recreation and to spend leisure dollars, they simply will not return to an area that has lost its natural and scenic character.

11. It is especially important to first understand that determining scenic byway impacts from visually damaging installations such as power lines is not simply a matter of counting frequency of intrusions, or measuring the magnitude of any one intrusion, or dividing the number of intrusions by the total miles in a byway to establish a percentage of the byway that is not directly impacted by power lines. The effect of every incompatible visual impact to byway values is felt at the point of intrusion and throughout the entire byway corridor. Single and multiple negative impacts degrade the character of the entire byway route. Intrusions create logarithmic effects that are felt cumulatively. Even small visual intrusions, or a series of small intrusions, into a setting where there is an expectation of experiencing a natural or scenic setting can produce high double-digit falloffs in tourism and recreation potential.

12. Secondly, a single transmission tower erected in the vicinity of the byway corridor may arguably have a *de minimis* impact on a particular section of the byway. However, a single transmission tower is functionless without a network of similar towers situated nearby to transmit electrical energy over long distances. The infrastructure requirements necessary to support the regional systems being proposed will require construction across a grid of corridors, with 15-story towers separated by interval distances of no more than eight or nine hundred feet. The cumulative impacts of this infrastructure build-out along a designated scenic byway would have a pervasive impact on recognized values for which byways are designated in the first place. Transmission towers create visual intrusions on fundamental resource values which the state, federal government, and individual byway organizations are committed to protecting from degradation. Even where transmission towers are located outside roadway boundaries, perhaps a quarter mile from a byway centerline, their very size and composition tend to dominate the landscape and seize the attention of the byway user, and so the effect of placing transmission structures within view from a designated byway can completely destroy a central reason for the byway's existence.

13. It is beyond doubt that overhead transmission lines cause environmental harm and degrade scenic qualities that define landscape character. Visible overhead transmission lines have been judicially determined to cause environmental harm wherever they are located. [See *People For Environmental Enlightenment And Responsibility (PEER) v. Minnesota Environmental Quality Council* 266 N.W.2d 858 (Minn. 1978)]. Visible transmission lines along and crossing scenic byways will cause explicit environmental harm to scenic landscapes that drive the economic engines that keep tourism-based communities afloat. The environmental harm will be non-compensable. The effects from just the Phase 1 CapX projects will profoundly impact the brand name image of the entire Minnesota Scenic Byways Program, and directly impact 25-30% of Minnesota byways; adding to that the CapX Phase 2 and 3 projects would impact a majority of Minnesota scenic byways. The Minnesota scenic byways are iconic symbols of public adventure and family experiences that are possible by taking to the open road. Utility environmental review has ignored their very existence.

14. A 2006 Scenic Byways Marketing Evaluation Study conducted by Explore Minnesota Tourism indicates 11 million visitors come to Minnesota from other states for recreational travel and touring, contributing to the \$12 billion in annual sales from tourism, generating \$2 billion in state and local tax revenue, and creating 242,000 full and part-time jobs that pay \$3.4 billion in wages. The stakes for Minnesota tourism are very great, especially in a down-turned economy. The same study asked byway travelers "what attracts you to scenic travel routes?" More than 90% responded, "natural scenery"— 70% listed "historic places" as important destinations. Power lines are not compatible with either natural scenery or historic places. Study respondents further identified driving to "small towns" and "parks," and the third highest rated reason to drive scenic travel routes was to get "off the beaten path" and thereby shed some of the trappings of their daily environment.

15. Scenic intrusions into scenic byway viewsheds from high voltage transmission lines will certainly cost affected communities income that cannot be replaced in local economies that rely almost solely on tourism. Yet environmental reviews prepared by applicants, such as CapX, continue to provide no information regarding environmental harm to Minnesota's scenic byways

or to tourism and recreation economies. Utility environmental review is categorically inadequate as a means to assess these impacts because they fail to assess environmental, scenic and economic impacts to byway communities and to scenic byways that comprise the Minnesota Scenic Byways Program. Byways are not alone in this. Department of Commerce economic analysis of utility applications has consistently ignored public cost factors that are external to the construction cost of a project to the utility. The DOC has failed to develop models that would capture public costs that should be assessed for what they are, direct subsidies to the utility. DOC failure to provide full cost assessment is particularly egregious when the forced public investment model is applied to utility projects that are created, not for the public, but for market advantage and profits to utility shareholders.

16. Utility environmental assessments cannot be regarded as anything more than a starting point from which to expand needed environmental assessment. If significant environmental effects to byways will result from installation of transmission lines, it is necessary to incorporate environmental, economic, sociological impacts; reasonable alternatives; and mitigation measures into a decision of whether to place high voltage transmission lines within the viewshed of scenic byways. Byways are not the only state and federal programs that are entitled to heightened environmental review but if a model is developed for taking them in to account, other programs will benefit. Agency decisions to permit transmission lines must require environmental assessment rigorous enough to protect any program with a state or federal mandate to protect natural and scenic resources.

#### **Public Participation that will Safeguard the Public Value of Environmental Protection**

17. To generate public participation, permitting agencies must recognize that public values require environmental protection. Agencies must look at additional models and authorities that require comprehensive environmental assessment. One authority triggered by utility applications for interstate transmission lines is the National Environmental Policy Act (NEPA). NEPA is an integral part of the federal land use management and planning process. Section 101 of NEPA declares a national policy of assuring "[a]esthetically and culturally pleasing surroundings" and of preserving "important historic, cultural and natural aspects of our national heritage." In light of the "profound influences of population growth [and] high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances," Congress sought to "create and maintain conditions under which man and nature can exist in productive harmony."

18. To implement this policy, NEPA requires that an "agency, in reaching its decision, will have available, and will carefully consider detailed information concerning significant environmental impacts." Although "NEPA establishes environmental quality as a substantive goal," it does not mandate any particular result, but simply prescribes the necessary process. Nevertheless, by undertaking a detailed and thorough analysis of the environmental consequences of a particular decision, NEPA is "almost certain to affect the agency's substantive decision." This result can be attributed, in part, to NEPA's other primary function - information to the public, which runs parallel to State public participation goals. With the knowledge that its decision making process will be subject to public scrutiny, NEPA may encourage an agency to make decisions based on environmental factors that they would not otherwise be inclined to consider. The recently released Draft Public Participation model for the Brookings-Hampton

application should be completely rewritten with the NEPA process for involving the public as a core strategy.

19. Why put NEPA forward as the model? Because it is the required! The CapX Phase 1, 2 and 3 vision is nothing short of transforming, forever altering the way energy providers market and conduct business, and forever altering the Minnesota landscape. NEPA establishes the national environmental policy, including a multidisciplinary approach to considering environmental effects in federal government agency decision-making. Perhaps most notably, the law requires federal agencies to prepare a statement to accompany reports and recommendations for funding from Congress. This document is the Environmental Impact Statement (EIS). The definition of actions requiring the EIS includes "major federal actions significantly affecting the human environment." Thus, before implementing any "major" or "significant" or "federal" action, the agency must consider the environmental impacts of that action, identify unavoidable environmental impacts and make this information available to the public in the EIS. All these conditions must be satisfied before implementing the proposed action. The applicant utilities, and perhaps some Minnesota agency staff, may take the position that CapX projects do not involve federal funding, do not involve federal government agency decision making, and therefore, the federal review standard is not triggered. They are wrong!

20. A major federal action has been expanded to include most things that a federal agency could prohibit or regulate. Utilities may concede that a project is required to meet NEPA guidelines when a federal agency provides any portion of the financing for the project. They may not concede that review of a project by a federal agency is a federal action that then requires NEPA-compliant analyses be performed. Direct federal funding of a proposed utility project and direct involvement of federal agencies in reviewing or permitting a project triggers NEPA. But direct funding is not the only way the federal government provides funding. When a project encounters wetland issues involving the Corps of Engineers, endangered species involving the Fish and Wildlife Service, national forests involving the Forest Service, National Scenic Byways or All American Roads involving the Department of Transportation, Federal Highway Administration, national park lands involving the Department of Interior and National Park Service, or any other federal issue — constructive involvement (and funding) by the named federal agency will be required for the project to go forward and will require NEPA-compliant analyses be performed. Even when projects encounter state and local lands purchased or protected with federal money, NEPA is triggered.

21. It goes without saying that the proposed CapX projects will support interstate build-out of the electric grid and is directly supported by the Federal Energy Regulatory Commission (FERC). Additionally, FERC is the United States federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC is, therefore, intimately involved in providing direct support for the interstate CapX projects and NEPA-compliant analyses must be performed. The NEPA process has the double benefit of largely addressing the most important public values questions and setting out one of the processes that will actually inform the public and foster meaningful public participation.

22. That isn't the end of the story for why the NEPA process and review standards must be applied to potential impacts to Minnesota's scenic byways. Where the federal government has already provided funds to protect natural and scenic resources anywhere in the United States, proposed threats to those resources requires environmental review that develops alternatives and mitigation measures capable of decreasing or eliminating harm to the environmental resources that have received federal support. This holds especially true for individual Minnesota scenic byways.

23. In the case of Minnesota's scenic byways, a majority have received direct federal funding to support their mission and management objectives, and every Minnesota scenic byway benefits from federal expenditures to support the National Scenic Byways Program, its website marketing and federal tourism activities to support byways nationwide, and every byway benefits from Department of Transportation, Federal Highway Administration funding to create, maintain and upgrade actual byway roads. Thus, before implementing any major or significant action that will harm scenic byway natural and scenic resource values, the permitting agencies must consider the environmental impacts of that action, identify unavoidable environmental impacts and make this information available to the public. If utility applicants propose, as unavoidable, the routing of high voltage transmission lines within sight of a Minnesota scenic byway, it is first required to subject the project to a complete NEPA-compliance review.

24. One Minnesota byway will receive near death-blow impacts along several large segments of the designated route unless CapX applicants are first required to comply with NEPA and to prepare EIS documents that develop avoidance alternatives and mitigation opportunities. That affected byway is the Great River Road, a national road that follows the Mississippi River through 10 states between the Gulf of Mexico and the headwaters near Itasca State Park. Seven states have all or part of the Great River Road designated a National Scenic Byway: Minnesota, Wisconsin, Illinois, Iowa, Missouri, Arkansas, and Mississippi. Although in a literal sense it is just a series of roads, the Great River Road is also a larger region inside the US and in each state. It is not a road in the sense of a local, state or national highway but the term is instead used for tourism and historic purposes. Developed in 1938, the road has a separate commission in each state and they in turn cooperate through the Mississippi River Parkway Commission (MRPC), whose mission is to preserve, protect and enhance the Great River Road, the Mississippi River valley and its amenities.

25. In Minnesota, the Great River Road offers 575 miles of historic, scenic, recreational and cultural touring through the heart of Minnesota. One CapX Phase 1 project would route a major high voltage transmission line running parallel to the byway corridor for a distance of approximately 65 miles, with 15-story tall transmission towers installed at an interval spacing every 800 or 900 feet. Another parallels the byway from Monticello to St. Cloud, significantly impacting the byway and an adjacent Wild and Scenic Area. There are a number of additional Great River Road byway segments that are proposed for parallel installation of transmission lines and a number of potential crossing points of the Great River Road and Mississippi River into Wisconsin. The environmental impacts to the Great River Road National Scenic Byway have not been identified or assessed.

26. Of greatest concern to scenic byways are transmission lines routed within the byway corridor viewshed and running parallel to the byway. The above-referenced 65-mile CapX route runs parallel to the Great River Road between Bemidji and Grand Rapids. This route also cuts through the Chippewa National Forest, which is managed by the United States Forest Service and has the distinction of being the first National Forest in the eastern United States. The Forest Service has long used a Visual Management System (VMS) that could be used to assess the utility proposal for potential visual impacts along the scenic byway and through the national forest segments. The VMS classifies landscapes by character, type, variety, class, and sensitivity level. It accords a "sensitivity level" that rates route segments that are most susceptible to low amounts of scenic intrusion. In addition, visual impacts are analyzed from various distance zones, including a "visual foreground" ranging from one-fourth to one-half mile from the byway, followed by a middle-ground zone extending out to five miles, and a background zone beyond five miles from the byway's centerline.

27. The scenic impact analysis under the Visual Management System yields a "Visual Quality Objective" that determines a potentially acceptable degree of alteration to the natural landscape. This system provides a scientific method for inventorying scenic viewsheds, thereby enabling federal land managers to quantify the amount of harm to these unique resources that would result from the project. If state agencies choose not to require using the Forest Service assessment system, there are other excellent choices. One of the best may be the visual impact assessment tool developed by the National Park Service for use along the Blue Ridge Parkway and along other linear scenic corridors. The tool will quantify what level of view disturbance would result in visitors not returning to the scenic corridor (hence, not spending money) and therefore directly impacting communities and tourism-based economies. Locally, scenic evaluation techniques have been developed in a partnership between the Omaha Regional Office of the National Park Service, the St. Croix National Scenic Riverway, the Minnesota Department of Natural Resources, Department of Landscape Architecture at the University of Minnesota, St. Croix Scenic Coalition and the St. Croix Scenic Byway. With so many evaluation techniques available it surpasses understanding that environmental impacts to the Great River Road have not been assessed. If anything calls for a NEPA-compliance review, the potential natural and scenic impacts to the Great River Road, and to other Minnesota scenic byways, mandates review and development of avoidance alternatives and mitigation opportunities.

28. Other potential methods to assess the impacts to intrinsic qualities for all of Minnesota's state and National Scenic byways should allow MNDOT, byway leaders, stakeholders and byway communities to review and respond with preferred route selection, alternative routes and/or best practices. At a minimum each intrinsic quality should be assessed as follows:

- 1) Scenic: require CapX2020 to provide drive-through/bike-through visualization of impacted area from each proposed alignment (and from the Mississippi River in the case of the Great River Road).
- 2) Recreation: require CapX2020 to assess impacts to various recreational byway/bikeway users, including but not limited to the pleasure driver, bicyclist, motorcyclist, byway amenity user (ie. wayside, interpretive marker etc.) boater, fisher, swimmer, hiker, birder, etc.
- 3) Archaeological: require CapX2020 to work with MNDOT to utilize MnModel and/or other tools to identify potential impacts. Include Cultural Resources Unit and Minnesota

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 10

NEUMAN COMMENT EXHIBIT: FEDERAL REGISTER

[FHWA Docket No. 95-15]

### National Scenic Byways Program

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of FHWA interim policy.

**SUMMARY:** In response to the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) mandate to establish a national scenic byways program, the FHWA announces its interim policy for the National Scenic Byways Program. This interim policy sets forth the criteria for the designation of roads as National Scenic Byways or All-American Roads based upon their scenic, historic, recreational, cultural, archeological, and/or natural intrinsic qualities.

**DATES:** Comments must be received on or before July 17, 1995.

**ADDRESSES:** Submit written, signed comments to FHWA Docket No. 95-15, Federal Highway Administration Room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eugene Johnson, Intermodal Division, Office of Environment and Planning, HEP-50, (202) 366-2071; or Mr. Robert Black, Attorney, Office of Chief Counsel, HCC-31, (202) 366-1359. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Beginning as early as 1966, the FHWA has participated in several studies relating to establishing national scenic byways programs. The most recent study was completed in 1991 and was conducted in response to a request in the 1990 Department of Transportation Appropriations Act. This study included recommendations for establishing a national scenic byways program, including recommended techniques for maintaining and enhancing the scenic, recreational, and historic qualities associated with each byway. The ISTEA incorporated many of the recommendations from this study and called for the establishment of a national scenic byways program. Section 1047 of the ISTEA, Pub. L. 102-240, 105 Stat. 1914, set up an advisory committee to assist the Secretary of Transportation in establishing a national scenic byways program. The advisory committee was composed of seventeen

members: the designee of the Administrator of the FHWA; appointees from the U. S. Forest Service, the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the U.S. Travel and Tourism Administration of the Department of Commerce; and individuals representing the interests of the recreational users of scenic byways, conservationists, the tourism industry, historic preservationists, highway users, State and local highway and transportation officials, the motoring public, scenic preservationists, the outdoor advertising industry, and the planning professions. The advisory committee was charged with developing minimum criteria for designating highways as scenic byways or all-American roads for purposes of a national scenic byways system. After meeting four times, the advisory committee produced a report that made recommendations on all the facets of a national scenic byway program. The National Scenic Byway Program outlined in this notice follows those recommendations.

The FHWA has awarded grants to States for scenic byway projects under the interim scenic byways program established by ISTEA. The grant funds for the interim program ran out in fiscal year 1994. This notice specifies the type of projects eligible for funding and lists the funding priority for providing grants to the States under the National Scenic Byways Program.

Through this notice, the FHWA is establishing the interim policy for the National Scenic Byways Program. This interim policy sets forth the criteria for the designation of roads as National Scenic Byways or All-American Roads based upon their scenic, historic, recreational, cultural, archeological, and/or natural intrinsic qualities. To be designated as a National Scenic Byway, a road must significantly meet criteria for at least one of the above six intrinsic qualities. For the All-American Roads designation, criteria must be met for multiple intrinsic qualities. Anyone may nominate a road for National Scenic Byway or All-American Road status, but the nomination must be submitted through a State's identified scenic byway agency and include a corridor management plan designed to protect the unique qualities of a scenic byway. The FHWA solicits comments on any part of the policy.

The National Scenic Byways Policy is as follows:

#### 1. Applicability

The policy and procedures of this document apply to any State or Federal

agency electing to participate in the National Scenic Byways Program by seeking to have a road or highway designated as a National Scenic Byway or an All-American Road and for any State seeking funds for eligible scenic byways projects. Participation in the national program shall be entirely voluntary.

#### 2. Definitions

a. *Corridor* means the road or highway right-of-way and the adjacent area that is visible from and extending along the highway. The distance the corridor extends from the highway could vary with the different intrinsic qualities.

b. *Corridor Management Plan* means a written document that specifies the actions, procedures, controls, operational practices, and administrative strategies to maintain the scenic, historic, recreational, cultural, archeological, and natural qualities of the scenic byway.

c. *Federal Agency* means the U.S. Forest Service, Bureau of Land Management, National Park Service, and the Bureau of Indian Affairs, and their scenic byways programs.

d. *Federal Agency Scenic Byway* means a road or highway located on lands under Federal ownership which has been officially designated by the responsible Federal agency as a scenic byway for its scenic, historic, recreational, cultural, archeological, or natural qualities.

e. *Intrinsic Quality* means scenic, historic, recreational, cultural, archeological, or natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area.

f. *Local Commitment* means assurance provided by communities along the scenic byway that they will undertake actions, such as zoning and other protective measures, to preserve the scenic, historic, recreational, cultural, archeological, and natural integrity of the scenic byway and the adjacent area as identified in the corridor management plan.

g. *Regional Significance* means characteristics that are representative of a geographic area encompassing two or more States.

h. *Scenic Byways Agency* means the Board, Commission, Bureau, Department, Office, etc., that has the responsibility for administering the State's scenic byways program activities. Unless otherwise designated, FHWA will assume that the State Scenic Byways Agency is the State Department of Transportation or State highway agency as recognized in the

administration of title 23, United States Code.

i. *Scenic Byway* means a public road having special scenic, historic, recreational, cultural, archeological, and/or natural qualities that have been recognized as such through legislation or some other official declaration. The terms "road" and "highway" are synonymous. They are not meant to define higher or lower functional classifications or wider or narrower cross-sections. Moreover, the terms State Scenic Byway, National Scenic Byway, or All-American Road refer not only to the road or highway itself but also to the corridor through which it passes.

j. *State Scenic Byway* means a road or highway under State, Federal, or local ownership that has been designated by the State through legislation or some other official declaration for its scenic, historic, recreational, cultural, archeological, or natural qualities. An Official Declaration is an action taken by a Governor or that of an individual, board, committee, or political subdivision acting with granted authority on behalf of the State.

### 3. Requirements

a. Any highway or road submitted for designation under the National Scenic Byways Program by State or Federal agencies should be designated as a State scenic byway. However, roads that meet all criteria and requirements for National designation but not State or Federal agencies' designation criteria may be considered for national designation on a case-by-case basis. Any road nominated for the National Scenic Byway or All-American Road designation will be considered to be a designated State scenic byway.

b. A road or highway must safely and conveniently accommodate two-wheel-drive automobiles with standard clearances to be considered for designation as a National Scenic Byway or an All-American Road.

c. Roads or highways considered for National Scenic Byways and All-American Roads designations should accommodate, wherever feasible, bicycle and pedestrian travel.

d. To be considered for the All-American Roads designation, roads or highways should safely accommodate conventional tour buses.

e. A scenic byways corridor management plan, prepared in accordance with Paragraph 9 of this policy, must be submitted in order for any road or highway to be considered for the National Scenic Byway of All-American Road designation.

f. For All-American Roads, there must be a demonstration of the extent to which enforcement mechanisms are being implemented by communities along the highway in accordance with the corridor management plan.

g. Before a road or highway is nominated for designation as an All-American Road, user facilities (e.g. overlooks, food services, etc.) should be available for travelers.

h. An important criteria for both National Scenic Byways and All-American Roads is continuity. Neither should have too many gaps but rather should be as continuous as possible and should minimize intrusions on the visitor's experience.

### 4. Nomination Process

a. A nomination process will be used as the means by which roads or highways may be recognized for their intrinsic qualities and designated as National Scenic Byways or as All-American Roads. All nominations for National Scenic Byways or All-American Roads must be submitted by the State Scenic Byways Agency (SSBA) to the FHWA. The States will receive written notification of the time period for submitting nominations for designation consideration.

b. Nominations may originate from any local government, including Indian tribal governments, or any private group or individual.

c. Nominations to the program of byways on public lands may originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs, but must also come through the SSBA, with the State's concurrence.

d. A two-step process may be used for nominations originating with local sponsors to help alleviate unnecessary documentation, time, and expense.

The first step is for local sponsors to submit to the SSBA the documentation necessary for the State to determine if the scenic byway possesses intrinsic qualities sufficient to merit its nomination as a National Scenic Byway or an All-American Road.

The second step is for the remainder of the nomination package to be submitted once the State has determined that the byway is appropriate for nomination.

e. A corridor management plan, prepared in accordance with Paragraph 9 of this policy, must be included as part of all nominations made to the FHWA for National Scenic Byways or All-American Roads designations. The corridor management plan is not required for the preliminary intrinsic

quality evaluation identified above in paragraph 4d.

f. A single application may be used by a State to seek the designation of a nominated highway as either a National Scenic Byway, an All-American Road, or as both. A highway nominated for, but failing to meet, the requirements for All-American Road designation will automatically be considered for designation as a National Scenic Byway unless the State requests otherwise.

### 5. Designation Process

a. Designations of National Scenic Byways and All-American Roads shall be made by the Secretary of Transportation after consultation with the Departments of the Interior, Agriculture, and Commerce, as appropriate.

b. A panel consisting of six to eight experts, designated by FHWA and reflecting a cross-section of the scenic byways community of interests (including experts on intrinsic qualities, tourism, and economic development), may assist in the review of highways nominated as National Scenic Byways and All-American Roads.

### 6. Designation Criteria

#### a. National Scenic Byways Criteria

To be designated as a National Scenic Byway, a road or highway must significantly meet at least one of the six scenic byways intrinsic qualities discussed below.

The characteristics associated with the intrinsic qualities are those that are distinct and most representative of the region. The significance of the features contributing to the distinctive characteristics of the corridor's intrinsic quality are recognized throughout the region.

#### b. All-American Road Criteria

In order to be designated as an All-American Road, the road or highway must meet the criteria for at least two of the intrinsic qualities. The road or highway must also be considered a destination unto itself. To be recognized as such, it must provide an exceptional traveling experience that is so recognized by travelers that they would make a drive along the highway a primary reason for their trip.

The characteristics associated with the intrinsic qualities are those which best represent the nation and which may contain one-of-a-kind features that do not exist elsewhere. The significance of the features contributing to the distinctive characteristics of the corridor's intrinsic quality are recognized nationally.

## 7. Intrinsic Qualities

The six intrinsic qualities are:

a. *Scenic Quality* is the heightened visual experience derived from the view of natural and manmade elements of the visual environment of the scenic byway corridor. The characteristics of the landscape are strikingly distinct and offer a pleasing and most memorable visual experience. All elements of the landscape—landform, water, vegetation, and manmade development—contribute to the quality of the corridor's visual environment. Everything present is in harmony and shares in the intrinsic qualities.

b. *Natural Quality* applies to those features in the visual environment that are in a relatively undisturbed state. These features predate the arrival of human populations and may include geological formations, fossils, landform, water bodies, vegetation, and wildlife. There may be evidence of human activity, but the natural features reveal minimal disturbances.

c. *Historic Quality* encompasses legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir an appreciation for the past. The historic elements reflect the actions of people and may include buildings, settlement patterns, and other examples of human activity. Historic features can be inventoried, mapped, and interpreted. They possess integrity of location, design, setting, material, workmanship, feeling, and association.

d. *Cultural Quality* is evidence and expressions of the customs or traditions of a distinct group of people. Cultural features including, but not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, vernacular architecture, etc., are currently practiced. The cultural qualities of the corridor could highlight one or more significant communities and/or ethnic traditions.

e. *Archeological Quality* involves those characteristics of the scenic byways corridor that are physical evidence of historic or prehistoric human life or activity that are visible and capable of being inventoried and interpreted. The scenic byway corridor's archeological interest, as identified through ruins, artifacts, structural remains, and other physical evidence have scientific significance that educate the viewer and stir an appreciation for the past.

f. *Recreational Quality* involves outdoor recreational activities directly associated with and dependent upon

the natural and cultural elements of the corridor's landscape. The recreational activities provide opportunities for active and passive recreational experiences. They include, but are not limited to, downhill skiing, rafting, boating, fishing, and hiking. Driving the road itself may qualify as a pleasurable recreational experience. The recreational activities may be seasonal, but the quality and importance of the recreational activities as seasonal operations must be well recognized.

## 8. De-Designation Process

a. The Secretary of Transportation may de-designate any roads or highways designated as National Scenic Byways or All-American Roads if they no longer possess the intrinsic qualities nor meet the criteria which supported their designation.

b. A road or highway will be considered for de-designation when it is determined that the local and/or State commitments described in a corridor management plan have not been met sufficiently to retain an adequate level of intrinsic quality to merit designation.

c. When a byway has been designated for more than one intrinsic quality, the diminishment of any one of the qualities could result in de-designation of the byway as a National Scenic Byway or All-American Road.

d. It shall be the State's responsibility to assure that the intrinsic qualities of the National Scenic Byways and All-American Roads are being properly maintained in accordance with the corridor management plan.

e. When it is determined that the intrinsic qualities of a National Scenic Byway or All-American Road have not been maintained sufficiently to retain its designation, the State and/or Federal agency will be notified of such finding and allowed 90 days for corrective actions before the Secretary may begin formal de-designation.

## 9. Corridor Management Plans

a. A corridor management plan, developed with community involvement, must be prepared for the scenic byway corridor proposed for national designation. It should provide for the conservation and enhancement of the byway's intrinsic qualities as well as the promotion of tourism and economic development. The plan should provide an effective management strategy to balance these concerns while providing for the users' enjoyment of the byway. The corridor management plan is very important to the designation process, as it provides an understanding of how a road or highway possesses characteristics vital for

designation as a National Scenic Byway or an All-American Road. The corridor management plan must include at least the following:

(1) A map identifying the corridor boundaries and the location of intrinsic qualities and different land uses within the corridor.

(2) An assessment of such intrinsic qualities and of their context.

(3) A strategy for maintaining and enhancing those intrinsic qualities. The level of protection for different parts of a National Scenic Byway or All-American Road can vary, with the highest level of protection afforded those parts which most reflect their intrinsic values. All nationally recognized scenic byways should, however, be maintained with particularly high standards, not only for travelers' safety and comfort, but also for preserving the highest levels of visual integrity and attractiveness.

(4) A schedule and a listing of all agency, group, and individual responsibilities in the implementation of the corridor management plan, and a description of enforcement and review mechanisms, including a schedule for the continuing review of how well those responsibilities are being met.

(5) A strategy describing how existing development might be enhanced and new development might be accommodated while still preserving the intrinsic qualities of the corridor. This can be done through design review, and such land management techniques as zoning, easements, and economic incentives.

(6) A plan to assure on-going public participation in the implementation of corridor management objectives.

(7) A general review of the road's or highway's safety and accident record to identify any correctable faults in highway design, maintenance, or operation.

(8) A plan to accommodate commerce while maintaining a safe and efficient level of highway service, including convenient user facilities.

(9) A demonstration that intrusions on the visitor experience have been minimized to the extent feasible, and a plan for making improvements to enhance that experience.

(10) A demonstration of compliance with all existing local, State, and Federal laws on the control of outdoor advertising.

(11) A signage plan that demonstrates how the State will insure and make the number and placement of signs more supportive of the visitor experience.

(12) A narrative describing how the National Scenic Byway will be positioned for marketing.

(13) A discussion of design standards relating to any proposed modification of the roadway. This discussion should include an evaluation of how the proposed changes may affect on the intrinsic qualities of the byway corridor.

(14) A description of plans to interpret the significant resources of the scenic byway.

b. In addition to the information identified in Paragraph 9a above, corridor management plans for All-American Roads must include:

(1) A narrative on how the All-American Road would be promoted, interpreted, and marketed in order to attract travelers, especially those from other countries. The agencies responsible for these activities should be identified.

(2) A plan to encourage the accommodation of increased tourism, if this is projected. Some demonstration that the roadway, lodging and dining facilities, roadside rest areas, and other tourist necessities will be adequate for the number of visitors induced by the byway's designation as an All-American Road.

(3) A plan for addressing multi-lingual information needs.

Further, there must be a demonstration of the extent to which enforcement mechanisms are being implemented in accordance with the corridor management plan.

#### 10. Funding

a. Funds are available to the States through a grant application process to undertake eligible projects, as identified below in Paragraph 10c, for the purpose of:

(1) Planning, designing, and developing State scenic byways programs, including the development of corridor management plans.

(2) Developing State and Federal agencies' designated scenic byways to make them eligible for designation as National Scenic Byways or All-American Roads.

(3) Enhancing or improving designated National Scenic Byways or All-American Roads.

b. The State highway agency (SHA) shall be responsible for the submission of grant requests to the FHWA. If the SHA is not the identified scenic byways agency, all grant requests must be forwarded from that agency to the SHA for submission to FHWA.

#### c. Eligible Projects

The following project activities are eligible for scenic byways grants:

(1) *Planning, design, and development of State scenic byway programs.*

This scenic byways activity would normally apply to those States that are

about to establish or they are in the early development of their scenic byways programs. All related project activities must yield information and/or provide related work that would impact on the Statewide scenic byways program.

(2) *Making safety improvements to a highway designated as a scenic byway to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway, due to such designation.*

Safety improvements are restricted to the highway that has been designated as a scenic byway and must be the direct result of increased traffic and/or changes in the types of vehicles using the highway. The safety improvements are only considered eligible when they arise as a result of designation of the highway as a scenic byway. Any safety deficiencies that existed prior to designation of the highway as a scenic byway are not eligible for funding considerations.

(3) *Construction along the scenic byway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.*

All the related facilities in this category must be constructed within or immediately adjacent to the right-of-way of the scenic byway. The facilities must also be directly related to the scenic byway.

(4) *Improvements to the scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.*

All eligible projects in this category must be construction alterations that are made to the scenic byway to enhance existing access to recreational areas. Improvements are generally confined to the right-of-way of the scenic byway. However, the acquisition of additional right-of-way along the byway is permitted when warranted to accommodate access improvements to the byway.

(5) *Protecting historical, archeological, and cultural resources in areas adjacent to the highways.*

Resource protection applies only to those properties that contribute to the qualities for which the highway has been designated as a scenic byway. The properties must be located directly adjacent to the scenic byway. Resource protection includes use restrictions that are in the form of easements. However, the purchase of the resource can be considered eligible only after it has been determined that all other protection measures are unsuccessful. Protection of

a resource does not include rehabilitation or renovation of a property.

(6) *Developing and providing tourist information to the public, including interpretive information about the scenic byway.*

All information must be associated with the State's scenic byways. It may provide information relating to the State's total network of scenic byways or it may address a specific byway's intrinsic qualities and/or related user amenities. All interpretive information should familiarize the tourists with the qualities that are important to the highway's designation as a scenic byway. Tourist information can be in the form of signs, brochures, pamphlets, tapes, and maps. Product advertising is not permitted on tourist information that has been developed with grant funds received under the scenic byways program.

d. No grant shall be awarded for any otherwise eligible project that would not protect the scenic, historic, cultural, natural, and archeological integrity of the highway and adjacent area.

#### 11. Scenic Byways and the Prohibition of Outdoor Advertising

As provided at 23 U.S.C. 131(s), if a State has a State scenic byway program, the State may not allow the erection of new signs not in conformance with 23 U.S.C. 131(c) along any highway on the Interstate System or Federal-aid primary system which before, on, or after December 18, 1991, has been designated as a scenic byway under the State's scenic byway program. This prohibition would also apply to Interstate System and Federal-aid primary system highways that are designated scenic byways under the National Scenic Byways Program and All-American Roads Program, whether or not they are designated as State scenic byways.

(Sec. 1047, Pub. L. 102-240, 105 Stat. 1914, 1948, 1996; 23 U.S.C. 131(s); 23 U.S.C. 315; 49 CFR 1.48)

Issued on: May 11, 1995.

**Rodney E. Slater,**

*Administrator, Federal Highway Administration.*

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BILLING CODE 4910-22-P

#### DEPARTMENT OF THE TREASURY

#### Public Information Collection Requirements Submitted to OMB for Review

May 12, 1995

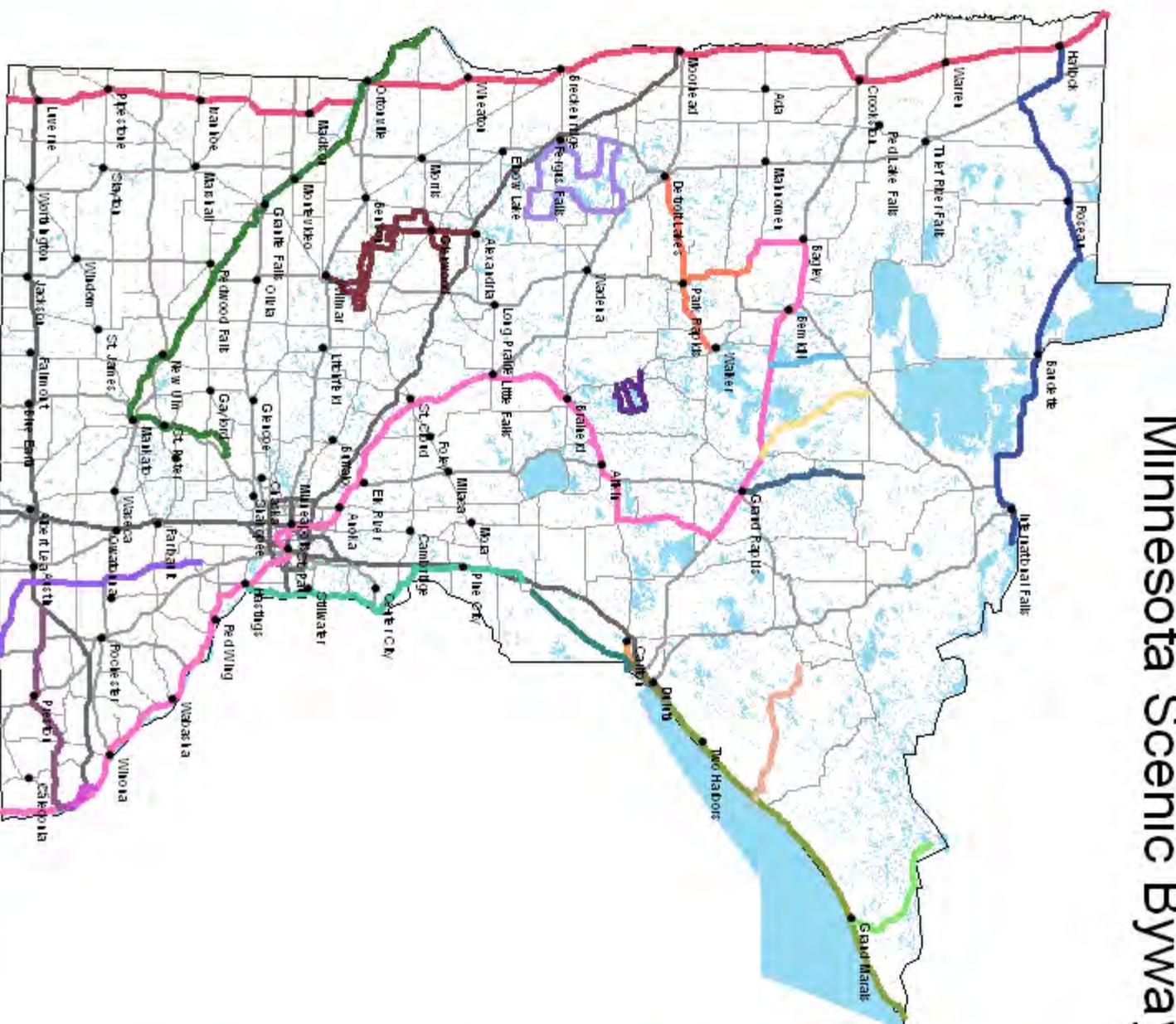
The Department of Treasury has submitted the following public

MINNESOTA POWER PLANT SITING ACT 2008

HEARING EXHIBIT AH08 – 11

NEUMAN COMMENT EXHIBIT: MINNESOTA SCENIC BYWAYS MAP

# Minnesota Scenic Byways



## State and Federally Designated Scenic Byways

- Apple Blossom
- Avenue of Pines
- Edge of the Wilderness
- Glacial Ridge
- Great River Road
- Gunflint Trail
- Historic Bluff Country
- King of Trails
- Lady Slipper
- Lake Country
- Minnesota River Valley
- North Shore Scenic Drive
- Otter Tail
- Paul Bunyan
- Rushing Rapids Parkway
- Shooting Star
- Skyline Parkway
- St. Croix
- Superior National Forest
- Veterans Evergreen Parkway
- Waters of the Dancing Sky

