

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
STATE OF MINNESOTA

In the Matter of the Request by Minnesota Power
For a Certificate of Need for the
Great Northern Transmission Line

OAH Docket No. 65-2500-31196
MPUC Docket No. E-015/CN-12-1163

Exhibit _____

**STAKEHOLDER INVOLVEMENT, ENVIRONMENTAL DATA
AND REGULATORY REQUIREMENTS**

Direct Testimony and Exhibits of

JAMES B. ATKINSON

August 8, 2014

MR. JAMES B. ATKINSON

OAH Docket No. 65-2500-31196

MPUC Docket No. E-015/CN-12-1163

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1 **I. INTRODUCTION**

2 **Q. Please state your name, your employer, and your occupation.**

3 A. My name is James B. Atkinson. I am employed by Minnesota Power, 30 West
4 Superior Street, Duluth, Minnesota 55802, as the Company's Environmental
5 Siting and Permitting Manager. In this position I am responsible for the siting and
6 permitting of critical infrastructure additions, including the Great Northern
7 Transmission Line.

8 **Q. Please describe your area of expertise.**

9 A. I have 28 years of experience in land-use planning, geographic information
10 systems, natural resource conservation, wetlands delineation, wastewater treatment
11 and stormwater management.

12 **Q. Please provide a brief description of your professional background.**

13 A. I joined Minnesota Power in 1986 and worked for 20 years in various levels of
14 land management. In 2006 I transitioned from land management into
15 Environmental Siting and Permitting. I assumed my present position with
16 Minnesota Power in 2013. For the last two years I've been a member of the Great
17 Northern Transmission Line (also "Project") project development team overseeing
18 agency consultation, route development, and stakeholder engagement.

1 **Q. What is the purpose of your testimony?**

2 A. My testimony discusses the significant public and governmental stakeholder
3 involvement in the development of the Project. I also discuss the various
4 regulatory requirements for the Project and Minnesota Power's efforts regarding
5 those requirements. Finally, I testify on certain of the environmental information
6 relevant to this Certificate of Need proceeding. Specific information on routing
7 and route alternatives is only discussed broadly in this docket. Those topics will
8 be specifically addressed in the Route Permit Application docket, MPUC Docket
9 No. E-015/TL-14-21.

10 **Q. Do you also sponsor certain sections of Minnesota Power's Certificate of Need**
11 **Application?**

12 A. Yes, I sponsor:

- 13 • Section 3.3 (Public Participation and Stakeholder Involvement);
- 14 • Section 3.4 (Involvement of Federal, State and Local Officials);
- 15 • Section 3.5 (Listing of Other Permits and Approvals);
- 16 • Section 5.1 (Property Acquisition and Project Right-of-Way));
- 17 • Section 5.4.5 (Visual Impacts); and
- 18 • Appendix G (Environmental Information).

1 **II. PUBLIC PARTICIPATION**

2 **Q. Can you describe Minnesota Power’s efforts to engage the public regarding**
3 **the Great Northern Transmission Line?**

4 A. Minnesota Power has implemented a proactive outreach program to key
5 stakeholders and the public since mid-2012 and will continue to carry this
6 approach forward, through the permitting of the Project. Of course, State and
7 federal permitting processes have provided and will continue to provide further
8 public involvement opportunities, in addition to those provided by the Company,
9 including through the Advisory Task Force process that has been established in the
10 Route Permit proceeding for the Project.

11 Minnesota Power detailed its public engagement efforts for the Project through
12 September of 2013 in its Application at Section 3.3. Since that time, a number of
13 additional efforts have taken place, including:

- 14 • A fourth round of public open house meetings in Roseau, Warroad, and
15 Littlefork, Minnesota November 12-13, 2013;
- 16 • A meeting with Roseau County on November 12, 2013;
- 17 • A meeting with the Hartley Lake Lakeshore Owners Association on
18 December 6, 2013;
- 19 • A meeting with the Midcontinent Independent System Operator (“MISO”)
20 on December 11, 2013;

- 1 • Public Scoping Meetings for this Certificate of Need were held between
2 February 11 and February 20, 2014 in Roseau, Baudette, International
3 Falls, Thief River Falls, Bemidji, and Grand Rapids, Minnesota;
4 • A meeting with the Itasca County Board of Commissioners occurred on
5 April 15, 2014;
6 • A meeting with the Koochiching County Board occurred on April 22, 2014;
7 • A meeting with the Beltrami County Board occurred on May 7, 2014;
8 • A meeting with the Lake of the Woods County Board occurred on May 13,
9 2014; and
10 • Route Permit Scoping Meetings occurred July 16, 17, 23, and 24, 2014.

11 Numerous hotline messages, website comments, mailed comment forms, and
12 phone conversations with stakeholders have occurred as well.

13 **III. GOVERNMENT OFFICIALS INVOLVEMENT**

14 **Q. Has Minnesota Power also met with federal, State and local officials**
15 **regarding the Project?**

16 A. Yes. Those efforts too have been extensive and ongoing. The Application listed
17 the agencies met with between June 2012 and September 2013. Since that time,
18 regular agency meetings have continued, including meetings with:

- 19 • Federal and State agency meetings on February 5, March 5 and May 6,
20 2014;

- 1 • Minnesota Department of Natural Resources on October 30, 2013,
2 February 20, 2014, July 7, 2014 and July 18, 2014;
- 3 • Minnesota Department of Commerce and the U.S. Department of Energy
4 occurred on November 4, 2013;
- 5 • Minnesota Department of Agriculture on November 19, 2013;
- 6 • U.S. Army Corps of Engineers on January 29, 2014 and May 2, 2014;
- 7 • U.S. Environmental Protection Agency on March 23, 2014;
- 8 • Minnesota Department of Commerce on April 4, 2014;
- 9 • U.S. Army Corps of Engineers and the Minnesota Department of Natural
10 Resources on May 7, 2014;
- 11 • U.S. Department of Energy on May 15, 2014 and June 6, 2014;
- 12 • Minnesota Department of Transportation – Aeronautics Division on
13 May 29, 2014; and
- 14 • Tribal meetings on July 15 and July 22, 2014.

15 **IV. REGULATORY REQUIREMENTS**

16 **Q. In addition to a Certificate of Need, will Minnesota Power require further**
17 **regulatory approvals and consultations for the Project?**

18 A. Yes. Minnesota Power has listed those approvals and consultations at Section 3.5
19 of the Application.

1 **Q. Can you provide an overview of the progress Minnesota Power has made on**
2 **those approvals and consultations?**

3 A. Our early work has focused on those permits or approvals that require significant
4 lead time and detailed consultation. Most noteworthy in that regard is our ongoing
5 consultation with the U.S. Army Corps of Engineers regarding the necessary
6 permit under section 404 of the Clean Water Act. This has been an iterative and
7 step-wise process to ensure the Project meets the high standards established for the
8 agencies' various decisions points (e.g., purpose and need, range of alternatives,
9 sequencing, and mitigation). Also worth mentioning is work done in preparation
10 for land and water crossing licenses from the Minnesota Department of Natural
11 Resources ("DNR"). Our route, depending on final determination by the
12 Commission, may traverse over 100 miles of State-owned land. Licenses from the
13 DNR require final engineered design to complete, but Minnesota Power has been
14 meeting with appropriate DNR staff to develop plans for efficient execution.
15 Throughout this period of early coordination, the project has benefited from the
16 responsiveness of State and federal agencies.

1 **V. PROJECT RIGHT-OF-WAY AND ENVIRONMENTAL INFORMATION**

2 **Q. Can you also describe the environmental information included in the**
3 **Company's Certificate of Need Application?**

4 A. Portions of Section 5 and Appendix G to the Application include the required
5 information, separately discussing the Project area for the transmission line itself
6 and the Blackberry substation study area. The Appendix includes discussion of
7 human settlement in these areas, land use, hydrology, vegetation, natural
8 resources, recreation and other issues.

9 **Q. Can you describe the general considerations that guided the Company as it**
10 **considered this Project?**

11 A. Yes. Specifics regarding this work will be discussed in the Route Permit docket,
12 as noted above. However, in general the Company worked to avoid placement of
13 the Project in State parks and scientific and natural areas. If the Project is
14 ultimately placed proximate to these State or federally protected lands, Minnesota
15 Power will continue to work closely with the State and federal agencies involved.
16 In addition, since the Project will cross the Iron Range, Minnesota Power will be
17 working closely with area mining interests, State mining regulators and local
18 municipalities to avoid or minimize impacts to mining. And, of course, the final
19 location of the Project will consider a host of other issues including cultural

1 resources, wetlands impacts, and biologically significant plant communities and
2 wildlife habitat.

3 **Q. Can you describe the Project right-of-way requirements and the process**
4 **Minnesota Power will follow for obtaining easements along that right-of way?**

5 A. The transmission line is expected to require a 200-foot-wide right-of-way.
6 Minnesota Power will work with private landowners to negotiate the terms of an
7 easement acquisition that will be acceptable to both parties, to accommodate the
8 facility. The land evaluation and acquisition process will include a title search,
9 contact with the landowner, survey, real estate document preparation, negotiation
10 and purchase agreement. As part of the acquisition process, Minnesota Power's
11 right-of-way agents will discuss the construction schedule and construction
12 requirements with the owner of each parcel and special considerations may be
13 discussed and included in the easement agreement, such as temporary or
14 permanent gates, fencing, crops and livestock accommodations. In the event that a
15 negotiated settlement cannot be reached, the eminent domain (or condemnation)
16 process may be initiated. The condemnation process begins at the district court,
17 which appoints a three-person condemnation commission if the condemnation
18 petition is granted. The condemnation commission would then hold a valuation
19 hearing, where the utility and landowner can testify as to the fair market value of

1 the easement. The condemnation commission then makes an award as to the value
2 of the property and files it with the court.

3 At the Blackberry Substation, new land will be acquired to accommodate Project
4 facilities. Property for the substation will be purchased outright, rather than as an
5 easement. The procedure for land acquisition will be similar to that for
6 transmission line right-of-way. Minnesota Power has entered a purchase option
7 agreement with the owner of the property adjacent to the Blackberry Substation.

8 **Q. Please discuss Minnesota Power's planned construction, mitigation and**
9 **restoration practices along the right-of-way.**

10 A. Again, these issues will be discussed in greater detail in the Route Permit
11 proceeding, MPUC Docket No. E-015/TL-14-21. Briefly, the Company will
12 employ standard construction and mitigation practices developed from experience
13 with past projects as well as industry-specific Best Management Practices
14 ("BMPs"). BMPs will address right-of-way clearance, erecting transmission line
15 structures, and stringing transmission lines. BMPs for the Project will be based on
16 the specific construction design, prohibitions, maintenance guidelines, inspection
17 procedures, and other activities involved in constructing the line and will include,
18 as necessary, BMPs to assist in minimizing impacts on sensitive environments, to
19 help prevent soil erosion and to protect nearby waterways.

1 Post-construction reclamation activities will include removing and disposing of
2 debris, removing all temporary structures (including staging and laydown areas),
3 employing appropriate erosion control measures, reseeding areas disturbed by
4 construction activities with vegetation similar to that which was removed within
5 certain height restrictions to prevent interference with the line using a seed mixture
6 certified as free of noxious or invasive weeds, and restoring the areas to their
7 original condition to the extent possible.

8 At the Blackberry Substation, the substation will be upgraded in compliance with
9 the applicable requirements of the National Electrical Safety Code, Occupational
10 Safety and Health Act, and State and local regulations. Designs will be completed
11 by Minnesota licensed, experienced and proficient engineers. Again, BMPs for
12 the Project will be based on the specific construction design, prohibitions,
13 maintenance guidelines, inspection procedures, and other activities involved in the
14 Project. Upon the completion of construction activities, Minnesota Power will
15 restore the remainder of the site.

16 **Q. Did the Application also address the visual impacts related to the Project?**

17 A. Yes. As the Application discussed, the visual impacts associated with the Project
18 will vary, since the landscape in the Project area itself is highly variable, ranging
19 from open tilled agricultural land to densely wooded areas with large lakes. The
20 majority of the Project area is relatively flat, with the exception of the Iron Range

1 where the terrain becomes moderately hilly with steeply sloped areas adjacent to
2 active mining pits. On the western side of the Project area, the landscape is
3 dominated by row crop agriculture with limited topographic variation, resulting in
4 high visibility of tall structures. Many of the forested portions of the Project area
5 also have limited topographic variation, but the height and density of the trees on
6 the landscape will likely limit visibility of tall structures. The proposed Project is
7 not anticipated to be visible from any areas having high visual sensitivity, such as
8 national parks or wilderness areas. It would, however, cross State designated
9 scenic byways.

10 The Project will not be placed in specific types of protected lands, as provided for
11 in Minnesota Rules. These lands include wilderness areas, Scientific and Natural
12 Areas (“SNA”), national parks and State parks. The Project area does not contain
13 any wilderness areas or national parks nor is the Project area close enough to be
14 visible from either type of these protected lands.

15 **Q. Has the Minnesota Department of Commerce (“Department”) prepared an**
16 **Environmental Report for the Certificate of Need proceeding?**

17 A. Yes. In addition to the information provided by Minnesota Power in our
18 Application, the Department conducted a thorough review of the human and
19 environmental impacts of the proposed Project associated with the size, type, and
20 timing of the project, system configurations, and voltage. The Department’s

1 resulting Environmental Report (“ER”), dated July 11, 2014 also contains
2 information on alternatives to the proposed project.

3 **Q. After reviewing the ER, do you have any comments regarding it?**

4 A. The ER is a well-organized and fair assessment of the relevant issues. Moreover, I
5 find the document to do a good job of providing appropriate context to the various
6 environmental related topics.

7 **Q. Does this conclude your direct testimony?**

8 A. Yes, it does.

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