

7849.1400 PROCESS FOR ENVIRONMENTAL REPORT PREPARATION.

Subpart 1. **Notice to interested persons.** Upon receipt of an application for a certificate of need or receipt of a transmission projects report seeking certification of a high voltage transmission line, the commissioner of the Department of Commerce shall provide notice to interested persons of the pending project. Notice must be mailed to the following persons:

- A. those persons on the commissioner's list maintained pursuant to part 7850.2100;
- B. those persons on the general service list maintained by the applicant pursuant to part 7829.0600;
- C. those persons on any service list maintained by the Public Utilities Commission for the proceeding;
- D. those persons who are required to be given notice of the certificate of need application or the transmission projects report under rules of the Public Utilities Commission;
- E. local governmental officials in the area of the proposed project; and
- F. those persons who own property adjacent to any site or within any route identified by the applicant as a preferred location for the project or as a site or route under serious consideration by the applicant if such sites or routes are known to the applicant.

Subp. 2. **Content of notice.** The notice required by subpart 1 must contain the following information:

- A. a description of the proposed project, including possible sites or routes if known;
- B. a statement that authorization from the Public Utilities Commission to construct the facility has been applied for and a description of the PUC process, including a statement that the PUC proceeding is the only proceeding in which the no-build alternative and the size, type, timing, system configuration, and voltage will be considered;
- C. a statement that the commissioner of the Department of Commerce will prepare an environmental report on the project and a description of the process for preparation of the report;
- D. a statement that a public meeting will be held by the commissioner and the date and place of the meeting, a statement that the public will have an opportunity to ask questions about the project and to suggest alternatives and impacts to address in the environmental report, and a statement explaining the purpose of the public meeting;
- E. a statement informing the public of where copies of the pertinent information may be reviewed and copies obtained;
- F. a statement indicating whether the project proposer may exercise the power of eminent domain to acquire the land necessary for the project and the basis for such authority; and
- G. a statement describing the manner in which an interested person can add the person's name to the mailing list for future notices.

Subp. 3. **Public meeting.** The commissioner of the Department of Commerce shall hold a public meeting within 40 days after receipt of an application for a certificate of need or receipt of a transmission projects report seeking certification of a high voltage transmission line. At least 15 days prior to the meeting, the commissioner shall mail notice of the meeting to those persons listed in subpart 1. The commissioner shall also publish notice of the meeting in a newspaper of local circulation in the area at least ten days before the meeting. The commissioner shall also publish notice of the meeting in the EQB Monitor and shall post the notice on the commissioner's web page. The public meeting must be held in a location that is convenient for persons who live near a proposed project.

Subp. 4. **Conduct of public meeting.** The commissioner shall make available at the public meeting a copy of the certificate of need application or transmission projects report. The commissioner's staff shall explain the process for preparation of the environmental report. At the public meeting, the public must be afforded an opportunity to ask questions and present comments and to suggest alternatives and possible impacts to be evaluated in the environmental report. The commissioner shall keep an audio recording of the meeting. The commissioner shall provide at least 20 days from the day of the public meeting for the public to submit written comments regarding the proposed project.

Subp. 5. **Applicant role.** The applicant shall provide representatives at the public meeting who can respond to questions about the proposed project.

Subp. 6. **Alternatives and impacts.** A person desiring that a particular alternative to the proposed project or a possible adverse impact of the project be considered in the environmental report shall identify the alternative or impact to be included, provide an explanation of why the alternative or impact should be included in the environmental report, and submit all supporting information the person wants the commissioner to consider. The commissioner shall provide the applicant with an opportunity to respond to each request that is filed. The commissioner shall include in the environmental report any alternative or impact identified by the PUC for inclusion. The commissioner may exclude from analysis any alternative that does not meet the underlying need for or purpose of the project or that is not likely to have any significant environmental benefit compared to the project as proposed, or if another alternative that will be analyzed is likely to have similar environmental benefits with substantially less adverse economic, employment, or sociological impacts than the suggested alternative.

Subp. 7. **Commissioner decision.** Within ten days after close of the public comment period, the commissioner shall issue an order determining the following:

- A. the alternatives to be addressed in the environmental report, including the alternatives required by part 7849.1500, subpart 1, item B;
- B. the specific potential impacts to be addressed;
- C. the schedule for completion of the environmental report; and
- D. other matters to be included in the environmental report.

Once the commissioner has issued an order establishing the matters to be evaluated in the environmental report, the order must not be changed except upon a decision by the commissioner that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The commissioner may elect to bring any decisions regarding what should be included in the environmental report to the next regularly scheduled meeting or a special meeting.

Subp. 8. Notice of decision. At the time of the commissioner's decision, the commissioner shall mail the order to those persons who have requested to be notified. Any person may request to bring the matter of what alternatives or impacts to include in the environmental report to the commissioner in accordance with part 4405.0600, subpart 5. Such request shall be filed in writing with the commissioner within ten days of the commissioner's decision. A request to bring the matter to the commissioner shall not preclude the commissioner from beginning preparation of the environmental report in accordance with the commissioner's decision.

Subp. 9. Time frame for completion of environmental report. The commissioner shall complete the environmental report in accordance with the schedule determined by the commissioner. In establishing the schedule for completion of the environmental report, the commissioner shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, and the interests of the public, the applicant, the PUC, the commissioner, and other state agencies. The commissioner shall complete the environmental report within four months of submission of the information required by part 7849.1300. If the PUC should determine that an initial certificate of need application or transmission projects report is incomplete, the commissioner's schedule shall be extended accordingly.

Subp. 10. Notification of availability of environmental report. Upon completion of the environmental report, the commissioner shall publish notice in the EQB Monitor of the availability of the environmental report and mail notice of the availability of the document to those persons who have requested to be notified. The commissioner shall provide a copy of the document to the PUC and to any other public agency with authority to permit or approve the proposed project. The commissioner shall post the environmental report on the agency's web page.

Statutory Authority: *MS s 116D.04*

History: *28 SR 951; L 2005 c 97 art 3 s 19*

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