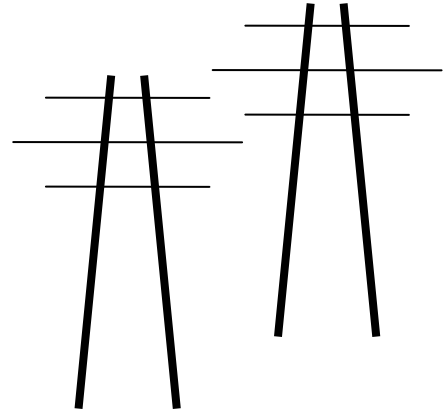


# Legalelectric, Inc.

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March 15, 2014

Kate Kahlert  
Public Utilities Commission  
121 East 7<sup>th</sup> Place  
St. Paul, MN 55101

via email & eFiling: kate.kahlert@state.mn.us

RE: Comments of No CapX2020 & U-CAN, incorporating NRG & GWT Comments  
Rulemaking on Siting & Routing - Chapter 7850

Dear Ms. Kahlert:

I am again submitting these comments on behalf of NoCapX 2020 and United Citizens Action Network, and join with the comments of North Route Group and Goodhue Wind Truth with some direct thefts, and some modifications.

There will be additional comments going forward. Failure to comment on a rule or proposed rule change does NOT constitute consent!

No CapX2020 and U-CAN are particularly concerned about the scoping changes. Having been through several CONTENTIOUS routing proceedings. These are fundamental issues for me personally, and for my clients who have experienced these problems. Each of these bullet points will have a problem and solution:

- **PROBLEM:** New routes are sprung on unsuspecting and unsuspecting landowners LONG AFTER the scoping process is finished, and long after participatory options have passed. This is one that particularly galls me, as i have personally observed this occur, have made motions to extend intervention deadlines, which were rejected by ALJ. These landowners are typically unrepresented and at a loss as to what to do. This is also where the Commission's Public Advisor should kick into high gear and advocate for public participation (this is distinct from advocating for the landowners).

**SOLUTION:** 1) NOTICE OF SCOPING must be more widespread. 2) Notice must be given promptly when alternate routes are added during scoping. Developing the landowner/residents list must become part of the scoping process so that that list of

newly affected parties is ready when scoping decision is finalized. 3) NO NEW ROUTE ALTERNATIVES AND/OR SEGMENTS MAY BE ADDED AFTER SCOPING.

- **PROBLEM:** A different route is chosen when the applicants preferred route is infeasible and applicants forge on ahead despite that they knew or should have known.

**SOLUTION:** 1) Applicants must observe features and legalities that make a route infeasible, such as DOT scenic easements, DOT rights-of-way, DNR SNAPs, etc. 2) Comments of DOT and DNR must be filed in eDockets upon receipt and identified as “DOT Scoping Comments” or “DNR DEIS Comments” so that they are available to the public (making it more difficult for Applicant to ignore). 3) Commission and Commerce must not ignore the infeasibility of routes.

- **PROBLEM:** Notification of landowners of alternatives developed in scoping is severely delayed, i.e., up to two months, and landowners lose the opportunities to participate.

**SOLUTION:** 1) PROMPT notification of landowners is necessary after scoping decision that includes new alternatives. 2) Notice should include information about public participation options. 3) If notice is delayed such that people cannot intervene, route cannot be used.

- Task Forces are a valuable resource that have restricted, used and abused. This is another one that particularly galls me, as I have attended many, many task force meetings, filed many petitions for task forces, and represented groups and individuals who have participated in the task force process. I and/or my clients have witnessed:
  - Task Force members are not provided with Application or other relevant documents prior to meeting for review.
  - Task Force meetings are now restricted to 3 meetings (basis? NONE!), the first of which is a throw away because they have not had the application and other relevant information for review.
  - Facilitator restricted participation and ignored local government attending who had missed the first meeting and should have been seated with the group and been allowed to participate.
  - Facilitator improperly deemed focus of groups as “Land Use” and state that was appropriate because all the members were “Land Use professionals” and they were not (and that is not charge of group or accurate characterization of members).
  - Facilitator restricted flow of information where questions are asked by Task Force members and not fully or accurately answered.
  - Facilitator narrowed discussion rather than widening it for scoping.
  - Facilitator neglected to present information regarding DOT policy of accommodation after questions about impact of DOT RoW and future plans.
  - Facilitator failed to provide information about ongoing USDA RUS EIS.
  - Facilitator failed to report group concern about environmental issues as primary.

- Facilitator demanded silence from observing member of public (moi) attempting to succinctly present information in response to Task Force question regarding number of river crossings under consideration.
- Facilitator shut down meeting when member of the public (moi) would not agree to shut up for remainder of meeting and stated he was going across the hall to have police remove me from the meeting, then returned 5-7 minutes later and resumed the meeting without police!
- Facilitator demanded that Task Force members vote on a “favorite” route, and they refused. This is NOT the charge of the Task Force, and instead is the opposite – the job of the Task Force is to review and propose routes and raise issues for scoping, NOT to “decide” on a route.
- Facilitator did not attach documents to Task Force Report that members requested be attached.
- Commerce resisted/refused to post Task Force Report to PUC eDockets for that docket and it took a Motion before the ALJ to get that posted.
- Commerce did not post agency (DOT, DNR, USFWS) comments in timely manner for public review, and when posted were posted on Commerce site only and under commentor’s name rather than by agency, in large spreadsheet where it was difficult to track them down.
- Commerce resistance to task forces generally, failing to propose them on significant projects.
- Commerce proposed only one Task Force on one end of line, the result of an agreement/arrangement with active members of the public on one end of the line, and resist establishment of other Task Forces for the balance of the 200+ mile project. A petition was necessary for establishment of another, in the middle, and no Task Force was established for the western end. Commerce was confronted about this at the scoping meeting, landowners and local township officials were irate that they had been unable to participate in Task Force.
- There are more, these are representative samples of issues...

**SOLUTION:** 1) Task Force members must be provided with a hard copy of the Application, and links if not a hard copy of DOT Policy of Accommodation, a copy of the Task Force Charge, and links to prior Task Force Reports to prepare for first meeting (now that there are only three). 2) Commission must clearly state the charge to the Task Force, and Commerce and any facilitator must abide by that charge. Facilitators must follow charge and if not, be replaced. 3) The Public Advisor should attend Task Force Meetings to observe and assure group is on task. 4) The Task Force should keep group on track and report significant deviations to the Commission’s Public Advisor. 5) Task Force members must include local “regular people” residents not part of local government and/or interest groups. 6) The number of Task Force meetings should vary according to the workload, and not be limited to 3 meetings. 7) Participants should be required to find a replacement if they cannot attend. 8) Members should be assigned homework to assure they are prepared and that the group makes progress.

## **SPECIFIC COMMENTS ON PUC MARCH 10, 2014 DRAFT**

Starting at the beginning of the 7850 draft of March 10, 2014:

“FINAL DECISION” is in the “Alternative Process” but not in the “Full Process” and it should be in both (because they’re separated out into two sections, and it is included underneath only one).

A search shows three instances of the word “intervene.” See p. 10, 7850.\_\_\_\_, Subp. 7 (twice), both mentions deleted, and p. 16, 7850.\_\_\_\_, Subp. 3, referencing state agencies.

### **p. 1-2 7850.1000 Definitions**

Marie McNamara’s suggestion of including the terms “Meeting” and “Hearing” is a good one, because there are rules specifically requiring one or the other. See her comment for proposed definitions.

Change “Alignment” to “Route Alignment.”

Add definition of “ex parte” conduct and citation Commission rules.

Add definition of “limited overlap” referred to on p. 4.

Add definition of “Lobbying” and citation to lobbying rule and with notice that participation in 7850 docket is lobbying.

Add definition of Official Record with citation to statute or rules (it’s there somewhere).

Add definition of size to include conductor specifications, including but not limited to kcmil, name, i.e., Bunding, Drake, etc., and nominal and proposed amps and MVA rating.

### **P. 2 7850.1100 PURPOSE AND AUTHORITY**

Parts 7850. to 7850. are prescribed by the Minnesota Public Utilities Commission pursuant to the authority granted to the commission in the Power Plant Siting Act, as amended, Minnesota Statutes, chapter 216E, to give effect to the purposes of the act, **and specifically 216E.02.**

It is the purpose of the act and the policy of the state to locate large electric power generating plants and high voltage transmission lines in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy, the commission shall choose locations that minimize adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion. The commission shall provide for broad spectrum citizen participation as a principle of operation **as required by Minnesota Statutes 216E.08, Subd. 2.** To ensure effective citizen participation, the commission shall maintain a public education program on, but not limited to, the considerations identified in Minnesota Statutes, section 216E.03, subdivision 7 **and 216E.08 Subd. 3.**

### **p. 4 7850.1200 APPLICABILITY.**

Parts 7850. to 7850. establish the requirements for the processing of LEPPG site and HVTL route permit applications filed with by the Public Utilities commission for large electric power generating plants and high voltage transmission lines. Requirements for environmental review of such projects before the commission are established in the applicable requirements of chapter 4410 and parts ~~7849.1000 to 7849.2100~~ 7850.EIS and 7850.EA **and the Minnesota Environmental Policy Act, Minnesota Statutes ch. 116D.**

p. 7 7850. **LOCAL REVIEW OF PROPOSED FACILITIES. (add and don't delete red)**

Subp. 3. **Notice to PUC Commission.** Within ten days of submission of an application to a local unit of government for approval of an eligible project, the applicant shall notify the commission in writing that the applicant has elected to seek local approval of the proposed project **and provide the commission with copies of local ordinances regarding LEPPG and HVTL siting.** **Within the same ten-day period, the applicant shall mail notice to those persons on the general notification list that a permit has been applied for from the local unit of government for the project and shall provide a description of the project and the name of a person with the local unit of government to contact for more information and weblinks to local ordinances regarding LEPTP siting and HVTL routing.**

p. 9 7850. **PRE-APPLICATION PROCEDURES**

**(6) collect contact information of interested persons to be submitted with the application for the "Project List."**

**Subpart . Notice to Local Units of Governments.** *(from 216E.03, sub. 3a and b, not in current rules)* At least 90 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a public preapplication consultation meeting with local units of government. Within 30 days of receiving a project notice, local units of government may request the applicant to hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a public preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local units of government. All meetings with local governments must be open to the public, but a single public meeting for which each local government unit requesting a meeting is given notice satisfies the meeting requirement of this subdivision. The notice and a summary of any preapplication meetings held with local units of governments shall be included in an appendix of the application.

p. 10 **DO NOT DELETE** – move to end of 7850.1750 INITIAL COMMENTS (and see comments below regarding Public Advisor):

**Subp. 5 Joint proceedings.** The application must state whether the applicant requests that joint proceedings be held on both a certificate of need and site or route permit application or on some other combination of permit applications. The application must clearly state whether the applicant requests that joint proceedings be held under this Chapter on both applications **and the process for both integrated into the commission process flow chart.**

**Subp. 7. Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for either contested case proceedings or alternative review proceedings. Once a filing is referred to the Office of Administrative Hearings, the rules of the Office of Administrative Hearings shall control intervention rights.

p. 11 **7850.1900, Subp. C.**

at least two proposed routes for the proposed high voltage transmission line. ~~and identification of the applicant's preferred route and the reasons for the preference,;~~ If the applicant has a preference for one of the routes, the applicant shall state the reasons, and may change its preference during the commission's review process. All proposed routes shall be alphabetically labeled in text and maps. Proposed routes shall be independently continuous between proposed endpoints. Limited overlap **must be approved by the commission, and applicant must provide justification for the overlap** in the application. Routes comprised of multiple route segments should also reflect consistent, simple and clear labeling. The application shall also include a description and summary map of all other routes that the applicant's analysis showed to be potentially feasible and prudent, based on the considerations in 7850.\_\_\_\_. Routes that were considered but rejected shall also be described and a summary map provided. Additional alternative route labeling shall use alphabetical order. All proposed and alternative routes included in an application must have been presented in the applicant's pre-application public information meetings required in part 7850.\_\_\_\_ (pre-application).

p. 12 Size defined in Defs

D. a description of the proposed high voltage transmission line and all associated facilities including the size and type of the high voltage transmission line;

(don't delete) G. the names **and addresses** of each owner whose property is within any of the proposed routes for the high voltage transmission line;

K. cost analysis of each route, including the costs of constructing, operating, and maintaining the high voltage transmission line **specifying those** that are dependent on design and route;

p. 13 add: I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;

p. 14 **7850.1750 INITIAL COMMENTS ON APPLICATION AND POSSIBLE ALTERNATIVES**

If the Application is declared "complete," I'm not understanding what the point is of "Initial Comments."

**B. each reservation, regional development commission, county, incorporated municipality, and township in which any part of the site or route or any alternative is proposed to be located.**

p. 14 **7850.\_\_\_\_. NOTICE AND ORDER FOR HEARING**

**Subp. \_ Commission referral for hearing.** As soon as practicable after the close of reply comments, the commission shall determine all matters for which comments were requested and for which an evidentiary record will be developed, and issue a commission notice and order for conduct of hearings by the Minnesota Office of Administrative Hearings for development of the record. ~~Only matters within the scope of the commission's order may be developed in the record.~~ If the Administrative Law Judge determines that hearings cannot be completed within the time provided in the commission's order, the Administrative Law Judge shall inform the commission and provide an estimated completion date.

p. 15 **Subp. \_ Applicant to supplement filing.** If the commission determines that any routes considered but not proposed by the applicant will be reviewed along with the applicant's proposed routes, the applicant will provide information for each additional alternative route to support equivalent comparison of the application content requirements in 7850.1900 and the considerations in 7850.\_\_\_\_. Within 30 days of the commission's order, the applicant shall provide the supplemental information to the commission **and the commission shall determine sufficiency of the supplemental filing.**

p. 15 **7850.2600 PUBLIC INFORMATION MEETING, PUBLIC HEARING AND CONTESTED CASE PROCEEDINGS.**

...

Subp. \_ **Public and Evidentiary Hearing.** The ~~PUC~~ commission shall ~~provide for the conduct~~ **hold a contested case** of public and evidentiary hearings on all applications for a site permit or a route permit that require mandatory contested case hearings. The hearings must be conducted by an Administrative Law Judge from the Office of Administrative Hearings pursuant to the contested case procedures of Minnesota Statutes, chapter 14 and OAH rules.

**(don't delete) Subp. 2. Case referral.** Site and route permit applications not eligible for alternative review under Minnesota Statutes, section 216E.04, must be referred to the Office of Administrative Hearings for contested case proceedings.

**Subp. 3. Department analysis.**

At the time the department files a draft EIS or EA, it shall assist in the factual development of the hearing record and include in its initial filing its draft EIS or EA and a technical analysis of the application, **and a witness to testify,** including the following:

p. 16 – 7850 \_\_\_\_\_ cite statute regarding pre-emption!

**Subd. 3.State agency participation.**

**(c) State agencies may be subpoenaed for information requests, documents and/or testimony.**

p. 19 7850.1760 **DO NOT DELETE**

E. the manner in which the ~~PUC Commission~~ **department** will conduct environmental review of the proposed project, including the holding of a scoping ~~meeting at which additional alternatives to the project may be proposed;~~

p. 20 – or elsewhere – Regular process does not have a “FINAL DECISION” section.

### **7850.3900 FINAL DECISION – FULL PROCESS**

Subpart 1. **Timing.** The commission shall make a final decision on a site permit or a route permit application within 60 days after receipt of the record from the ~~hearing examiner~~ Administrative Law Judge. A final decision must be made within six months after the commission's determination that an application is complete. The commission may extend this time limit for up to three months for just cause or upon agreement of the applicant.

Subp. 2. **Completeness of environmental assessment.** ~~At~~ Prior to the time the commission makes a final decision on the permit application, the commission shall have determined whether the environmental assessment ~~and the record created at the public hearing~~ addresses the issues identified in the scoping decision.

Subp. 3. **Certificate of need decision.** The ~~PUC~~ commission shall not make a final decision on a site or route permit application for a project that requires a certificate of need from the ~~Public Utilities~~ commission until the applicant has obtained the necessary approval from the ~~Public Utilities~~ commission.

### **P. 21 7850.3800 PROCEDURES FOR ALTERNATIVE REVIEW.**

Subp.     . **Public hearing.** A formal contested case hearing is not required unless the commission determines that the application involves contested material facts. At a minimum, the commission shall hold a public hearing. An application for an eligible project must be referred to the Office of Administrative Hearings for factual development of the record through informal proceedings conducted by an Administrative Law Judge. The commission's referral to the Office of Administrative Hearings must detail the request for developing the record. Notice of the hearing shall be given in accordance with the provisions of 7850.\_\_\_\_, subp.     . At least a portion of the hearing shall be held in a county where the proposed large electric power generating plant or high voltage transmission line would be located. The Administrative Law Judge shall ~~not~~ **prepare a summary report or** make any **other report or** recommendation to the commission ~~that~~ the commission requests **of** the hearing examiner ~~to do so.~~

p. 26 **7850.2200 PUBLIC ADVISOR.** (add similar section to 7949 and the rulemaking rule chapter)



Upon acceptance of an application for a site or route permit, the commission shall designate a staff person to act as the public advisor during on the project review. The public advisor must inform the public and be available to answer questions from the public about the Power Plant Siting Act Annual Hearing, certificate of need, permitting and rulemaking process, including information about participation, comment periods and intervention opportunities. The public advisor shall not give legal advice or other advice that may affect the legal or due process rights of the person being advised, and the public advisor shall remain neutral and not act as an advocate on behalf of any person, utility, developer or contractor.

p. 26 **7850.2300 PUBLIC INFORMATION MEETING. (“DO NOT DELETE” in RED)**

Subpart 1. **Scheduling public meeting.** Upon acceptance of ~~an~~ each site or route permit application ~~for a site or route permit~~ filed under this chapter, the commission’s Public Advisor shall schedule a public meeting to provide information to the public about the proposed project and how the commission’s procedural review will be conducted. **and to answer questions and to solicit and receive comments regarding the scope the environmental impact statement.** The public meeting must be held ~~no later than 60 days after acceptance of the application~~ as soon as practicable after the application is filed. The public meeting must be held in a location that is convenient for persons who live near the proposed project.

Subp. 2. **Notice of public meeting.** For purposes of giving notice under this part, owner means: those persons shown on the records of the county auditor; those persons shown on the records of the county treasurer in any county where tax statements are mailed by the county treasurer; or any other list of owners approved by the commission. The PUC shall give a At least ten fifteen days' prior to the public meeting, the commission notice of the public meeting by mailing shall send notice of the meeting to persons whose names are on the Project ~~contact~~ List maintained pursuant to part 7850.2100, subpart 1, item B, and the following:

A. each reservation, regional development commission, county, incorporated municipality, and township in which any part of the site or route or any alternative is proposed to be located;

...

Subp. 34. **Conduct of public scoping meeting.** The commission’s Public Advisor shall ~~appoint a person, who may be a PUC commission staff person,~~ to conduct the public meeting. The public meeting must be conducted in an informal manner designed to encourage public participation. The Public Advisor shall explain the permitting process to the persons in attendance. The public must be afforded an opportunity to **present comments and ask questions.** **The PUC and the applicants** shall make available at the public meeting a copy of the application and other pertinent documents in the PUC files regarding the application. A transcript of the meeting need not be maintained, although the ~~PUC~~ commission may elect to keep an audio recording of the meeting.

As Suzanne Rohlfing, NRG, notes, the CoN rules should be focused on public participation too, and the public meeting purpose of soliciting alternatives should also NOT be eliminated (the part in RED below):

7849.1400, Subp. 4 ~~3~~. **Conduct of public meeting.** The ~~commissioner~~ commission shall make available at the public meeting a copy of the certificate of need application or transmission projects report. The ~~commissioner's~~ commission'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~~ commission shall keep an audio recording of the meeting. The ~~commissioner~~ commission shall provide at least 20 days from the day of the public meeting for the public to submit written comments regarding the proposed project.

P. 27 **7850.2400 CITIZEN-ADVISORY TASK FORCE.** (appreciate deletion of “Citizen” as that’s not inclusive of all residents and landowners, and the focus should be on PUBLIC as that is the focus of 216E.08).

Subp 1. **Authority.** The commission has the authority to appoint ~~an citizen~~ advisory task force. The commission shall determine whether to appoint such a task force as early in the process as possible. The commission shall establish the size of the task force and appoint its **public and local governmental** members in accordance with Minnesota Statutes, section 216E.08. **The task force must include at least two members of the general public. Anyone may petition the commission for establishment of an advisory task force.**

Subp. 2. **Task force responsibilities.** Upon appointment of ~~an citizen~~ advisory task force, the commission shall specify in writing the charge to the task force. The charge shall include the identification of additional sites or routes to go to hearing **and scoping comments and issues to be addressed in environmental review.**

Subp. 3. **Termination of task force.** The task force expires upon completion of its charge, designation by the commission of alternative sites or routes to go to hearing or the specific date identified by the commission in the charge, whichever occurs first.

p. 27 **7850.5400 ANNUAL PUBLIC HEARING.** (new comments in RED)(7854 notice included because wind projects are addressed at the PPSA annual hearing – the PPSA and non-PPSA distinction is confusing to many, but 7854 should be included – and ultimately 216F and 7854 should be incorporated into PPSA.)

Subpart 1. **Annual public hearing.** The commission’s Public Advisor shall **provide notice and shall hold an annual public hearing in November or December in St. Paul in order to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines. Notice shall sent electronically to the service of all active dockets under 7850 and 7854 rules.** At the meeting, the PUC commission shall advise the public of the permits issued by the PUC commission in the past year. The PUC commission shall invite representatives of other state agencies to attend the meeting and be available to answer questions by the public. An audio recording of the hearing must be maintained unless the commission or the Administrative Law Judge determines that a court reporter is appropriate. **The record of the hearing shall be posted on the Commission’s docket for the PPSA annual hearing.**

Subp. 2. **Notice.** The PUC commission shall provide at least ten days but no more than 45 days notice of the annual hearing by mailing notice to those persons who have requested notice and by publication in the EQB Monitor. The notice must be accompanied by a tentative agenda for the hearing.

Subp. 3. **Report.** The ~~staff~~ Public Advisor **or if Administrative Law Judge is presiding, the ALJ,** shall prepare a report of the annual hearing within 60 days after the hearing and submit it to the commission. No action on the report is required.

## p. 28 ENVIRONMENTAL REVIEW

### 7850.2500 EIS PREPARATION

Subp. 2. ~~Scoping process.~~ **Scoping meeting.** The commissioner of the ~~Department of Commerce~~ shall provide the public with an opportunity to participate in the development of the scope of the environmental impact statement by holding a public scoping meeting and by soliciting public comments. The commissioner shall provide notice of the meeting to persons whose names are on the Project contact List maintained under part 7850.2100, subp. 1 and to landowners on the list required under part 7850. (Notice Lists) subp. D who own property near the proposed sites and along the route alternatives. The commissioner must also publish newspaper notice of the meeting in the area of the proposed **facilities.** ~~The public meeting required under part 7850.2300 satisfies the~~

~~requirement to hold a scoping meeting. At the meeting, members of the public must be provided the opportunity to comment on the scope of the EIS, including environmental factors, **routing and siting alternatives**, and to submit supporting documentation. The applicant must be provided an opportunity to respond to public input. The commissioner shall determine the scope of the environmental impact statement as soon after holding the public meeting as possible. Within five days after the decision, the commissioner shall mail notice of the scoping decision to those persons whose names are on either the general list or the project contact list. Once the commissioner has determined the scope of the environmental impact statement, the scope must not be changed except upon or 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.~~

Subp. 3. **Alternative sites or routes.** During the scoping process, a person may suggest alternative sites or routes to evaluate in the environmental impact statement. A person desiring that a particular site or route be evaluated shall submit to the commissioner of the Department of Commerce, during the scoping process, **a map** an explanation of why the site or route should be included in the environmental impact statement and any other supporting information the person wants the commissioner to consider. The commissioner shall provide the applicant with an opportunity to respond to each request that an alternative be included in the environmental impact statement. The commissioner shall include the suggested site or route in the scope of the environmental impact statement only if the commissioner determines that evaluation of the proposed site or route will assist in the commissioner's decision on the permit application. **The commissioner and applicant(s) shall add the names and addresses of affected landowners to the project list.**

Subp. 4. **Scope of EIS.** The scoping process must be used to reduce the scope and bulk of an environmental impact statement by identifying the potentially significant issues and alternatives requiring analysis and establishing the detail into which the issues will be analyzed. The scoping decision by the commissioner of the Department of Commerce shall at least address the following:

- A. the issues to be addressed in the environmental impact statement;
- B. the alternative sites and routes to be addressed in the environmental impact statement **and identification of any newly potentially affected landowners**; and
- C. the schedule for completion of the environmental impact statement.

**D. addition of any newly potentially affected landowners to the Project List.**

**Subp. 35. Scoping decision.** The commissioner must determine the scope of the EIS within 20 days after the close of **the comment period following** the scoping meeting and must file the scoping decision with the commission. The scoping decision must include the ~~following:~~ **A. the issues to be addressed in the EIS; and B. the schedule for completion of the EIS.** **The Commission shall, with 10 days notice, consider and approve, approve with amendments, or deny the scoping decision and shall eFile its decision. No new alternatives shall be added after the scoping decision.**

**Subp. 56. Evaluation of alternatives.** The commission must determine whether site or route alternatives **other than those proposed by the Applicant must be evaluated in the EIS. In preparing the EIS, the department must include an evaluation of any site or route proposed by the applicant and any site or route identified and approved by the commission.**

**Subp. 47. Notice of decision.** Within five days after **filinapproval of** the scoping decision ~~with~~**by** the commission, the commissioner shall provide notice of the scoping decision to those persons whose names are on the ~~Project contact~~ **List.**

p. 35 **DO NOT DELETE and if rules reorganizes, insert appropriately:**

7850.5100, Subp. 2. **Approval of transfer.** The commission shall approve the transfer if the commission determines that the new permittee will comply with the conditions of the permit. The commission, in approving the transfer of a permit, may impose reasonable additional conditions in the permit as part of the approval. . A permittee must inform the commission of any ownership changes within 10 days of the change. **The commission may decide to hold a public meeting to provide the public with an opportunity to comment on the request for the transfer prior to making a decision.**

At end, add rule regarding lobbying and registration.

If you have any questions or require anything further, please let me know. I look forward to the next meeting!

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland  
Attorney at Law