

Minnesota Environmental Quality Board
520 Lafayette Road North
Saint Paul, MN 55155

VIA E-MAIL (cover letter & petition)

January 3, 2020

Bret Eknes
Energy Facilities Supervisor
Minnesota Public Utilities Commission

RE: Petition for an Environmental Assessment Worksheet for Freeborn Wind

Dear Mr. Eknes,

The Environmental Quality Board (EQB) has received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared for the project described in the petition, and has determined that the Minnesota Public Utilities Commission is the appropriate governmental unit to decide the need for an EAW.

The requirements for environmental review, including the preparation of an EAW, can be found in Minnesota Rules, chapter 4410. The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final governmental approvals may be given to the project named in the petition, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, final governmental approval must be withheld until either a negative declaration on the need for an Environmental Impact Statement (EIS) is issued or an EIS is determined adequate. See part 4410.3100, subparts 1 and 2 for the prohibitions on final governmental decisions.
2. To make the decision on the need for an EAW, compare the project to the mandatory EAW, EIS, and exemption categories listed in parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly:
 - a. If the project meets or exceeds the thresholds of any mandatory EAW or EIS category, then environmental review is required for the project. Please see the guidance documents on the [EQB website](#) for preparing an EAW or EIS.
 - b. If the project is exempt from environmental review, please document the reason for the exemption in writing and notify both the petitioners' representative and EQB of your conclusion.
3. If preparation of an EAW is neither mandatory nor exempted, the Minnesota Public Utilities Commission has the option to prepare a discretionary EAW in accordance with part 4410.1000, subpart 3, item B. The standard for making the decision on the need for an EAW is provided in part 4410.1100, subpart 6. When considering the evidence provided by the petitioners,

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proposers, or other persons, the Minnesota Public Utilities Commission must take into account the factors listed in part 4410.1700, subpart 7. Note that this requires that a record of decision, including specific findings of fact, be maintained.

4. You are allowed up to 30 working days (Saturdays, Sundays and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15 working days if the decision will be made by a single individual. If the decision will be made by an individual, the individual may request an additional 15 working days from the EQB in accordance with part 4410.1100, subpart 7.
5. You must provide written notification of your decision to the proposer, the petitioners' representative, and the EQB, within 5 working days as described in part 4410.1100, subpart 8. Please provide written notification to these parties even in cases where an EAW or EIS will be prepared according to part 4410.1000, subparts 2 or 3, or the project is found to be exempt from environmental review.
 - a. To notify the EQB of your decision on the need for an EAW, complete the [EQB Monitor submission form](#) found on the EQB website. The EQB requests that you upload a copy of your record of decision using the same electronic submission form, including instances where environmental review is mandatory, voluntary, or exempt.
6. If for any reason you are unable to act on the petition at this time (e.g., no application has yet been filed or the application has been withdrawn or denied), the petition will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition. It is recommended that you notify in writing both the petitioners' representative and the EQB if you are unable to act on the petition at the time it is received.

Notice of the petition and its assignment to your unit of government will be published in the *EQB Monitor* on January 6, 2020.

If you have any questions or need any assistance, please do not hesitate to call me. The telephone number is 651-757-2873.

Sincerely,

Katrina Hapka

Katrina Hapka
Environmental Review Planner
Environmental Quality Board

Enclosure

cc:

Carol Overland, Petitioner's Representative
Christina Brusven, Project Proposer's Representative
Lisa Agrimonti, Project Proposer's Representative
Will Seuffert, EQB Executive Director