FINDING OF NO SIGNIFICANT IMPACT

Maple River (ND) to Buffalo River (MN) Switch 69kV Line Rebuild

Rural Utilities Service
U.S. Department of Agriculture

Minnkota Power Cooperative, Inc.

Prepared by:
Engineering and Environmental Staff
Rural Utilities Service

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A. INTRODUCTION

Minnkota Power Cooperative, Inc. (Minnkota) plans to submit a financing request to the U.S. Department of Agriculture (USDA), Rural Development (RD), Rural Utilities Service (RUS) to construct the proposed Maple River (ND) to Buffalo River (MN) Switch 69kV Line Rebuild Project (Project) that is located in Cass County, North Dakota and Clay County, Minnesota. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (U.S.C. 4231 et seq.), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by Minnkota and its consultant, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. Minnkota published a newspaper notice, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, RUS considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

B. PROJECT DESCRIPTION AND PURPOSE/NEED

Minnkota is proposing to replace aging, 1940s era wood transmission line structures along approximately 25.5 total miles of existing 69 kilovolt (kV) transmission line. The Project will update aging electrical transmission infrastructure in order to meet current safety standards and provide a reliable, uninterrupted supply of affordable electric power to Minnkota's service area. The existing 69 kV transmission line was originally constructed in the 1940s and built with treated wood poles; these wood poles have reached the end of their useful life. Replacing the poles would provide greater strength and additional height to support a heavier conductor and the addition of an overhead ground wire to protect and reduce blink outages that are typical with the existing infrastructure. Minnkota also plans to provide partial funding support to Red River Valley Electric Cooperative to bury 8 miles of an existing distribution line that is currently strung below the existing Minnkota 69 kV line (referred to as an underbuild). RUS has reviewed the purpose and need for the Project and determined that the Project will meet the present and future needs of Minnkota.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS would not provide financial assistance and the proposed rebuild of the existing Maple River to Buffalo River 69kV transmission line would not occur. This could result in failure of the existing 69 kV transmission line or continued blink outages, which would not meet the purpose and need of the Project.

2. Action Alternative (Proposed Action)

Under the Action Alternative, RUS would consider financing the Project and Minnkota would rebuild the existing Maple River to Buffalo River 69kV transmission line, as well as bury the existing Red River Valley Electric Cooperative distribution line. The nature and scope of the Project, rebuilding an existing transmission line in existing right-of-way (ROW), reduces further impacts by limiting construction to an already disturbed ROW.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, Minnkota considered other location and construction alternatives, which are documented in the "Other Alternatives Evaluated" section of the EA.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

A summary of anticipated environmental effects is provided below. The majority of environmental effects are temporary in nature and tied only to the construction phase of the Project. As described throughout the EA, impact mitigation measures deemed necessary to avoid or minimize impacts include use of best management practices (BMPs) and restoring disturbed areas to their original condition following construction. Minnkota is responsible for implementing these measures.

General Land Use

The Project would occur within the existing transmission line ROW (the Project Area). The Project Area would be temporarily disturbed during construction activities. Once construction is complete, the Project Area would continue its current use as a utility corridor.

Important Farmland

Prime farmland and farmland of statewide importance would be temporarily disturbed during construction activities. Once construction is complete, the disturbed locations would be restored to their original condition. The Project would not result in the loss or conversion of prime farmland or farmland of statewide importance.

Formally Classified Lands

The Project would involve replacing existing transmission line located within two formally classified lands, the Tatlie Lake Wildlife Production Area (WPA) and Hatchet Lake WPA, through Minnkota's existing easements with U.S. Fish and Wildlife Service (USFWS). Minnkota applied for and received a Special Use Permit from USFWS on September 27, 2022 for rebuild activities within the WPAs. The Project would not change the land classifications or alter the existing land use within the Project Area. After construction is complete, all of the temporarily disturbed locations would be returned to their pre-construction condition.

Floodplains

Replacement structures are planned to be installed within the same hole as the existing structures or as close to the existing structure location as possible. Therefore, any poles that are currently located within the 100-year floodplain would be replaced with a structure in the same location or adjacent to the existing structure within the floodplain. No permanent changes to general landcover in floodplains is anticipated. After pole placement is complete, holes would be backfilled with a crushed rock. Spoil earth from the augured hole would be thin spread around the area at the base of the transmission structure. However, no placement of spoil earth would occur within floodways or 100-year floodplain.

The underbuild portion of the Project would cross 100-year floodplain. In the agricultural fields crossed by the Project, the underbuild would be installed through the use of a cable plow, which will create a narrow slot in the ground at least 4 feet deep and then directly bury conduit into the created slot through a reel-mounted spool on the back of the machine. The slot is then backfilled and compacted by a process of blading or "wheel rolling" the excavated material back into the slot, resulting in minimal disturbance to the ground. The underbuild would be installed through horizontal direction drilling (HDD) under roads, residential yards, and rivers.

In areas of floodplain where structures would be replaced, or the distribution line would be installed by the cable plow, groundcover and soils would be temporarily disturbed. BMPs would be used during construction to minimize impacts. After construction is complete all the temporarily disturbed locations would be returned to their pre-construction condition.

Wetlands

For any existing structures that are currently located within wetlands, the replacement structure would be installed within the exact same hole as the original structure. No additional structures would be installed in wetlands. After pole placement is complete, holes will be backfilled with a crushed rock. Spoil earth from any augured holes in wetlands would be thin spread in adjacent uplands; no placement of spoil earth would occur within wetlands.

The majority of wetlands in the underbuild portion of the Project area are ditches that are located parallel to the existing transmission line and adjacent road. The remaining wetlands consist of two freshwater forested/shrub wetlands; the existing ROW appears to be already cleared of woody vegetation where these two wetlands are located. The distribution line would be buried by the use of a cable plow to a depth of approximately 4 feet; however, HDD methodologies would be used in certain situations, such as crossing rivers, ditches, roads, and yards. The ditches would be avoided, as the distribution line would be buried adjacent and parallel to them. Temporary impacts to the freshwater forested/shrub wetlands may occur if the distribution line cannot avoid them. BMPs would be used during construction to minimize impacts. After construction is complete all the temporarily disturbed locations would be returned to their pre-construction condition.

On July 17, 2023, the USACE affirmed the applicability of the Utility Regional General Permit and issued their permit for the Project, also indicating the applicability of Project exemption under the Wetland Conservation Act. No wetland mitigation was required as a condition of the permit.

Water Resources

The existing transmission line spans all streams and lakes. The Project would not involve discharge into local waters; as such, the Project is not anticipated to alter the impaired status of nearby waters. In areas where structures would be replaced or the distribution line would be installed by cable plowing, groundcover and soils would be temporarily disturbed.

The overall impact of the Project on groundwater resources would be negligible. Impacts would be limited to the displacement of surficial sediments and soil, bedrock, and groundwater during drilling and cable plow operations.

BMPs would be used during construction to minimize impacts. After construction is complete, all the temporarily disturbed locations would be returned to their pre-construction condition.

Coastal Resources

There are no coastal resources present in North Dakota or Minnesota; as such, an analysis of potential impacts to coastal resources is not applicable to the Project.

Biological Resources - General Fish, Wildlife, and Vegetation

Direct impacts on wildlife residing in the Project Area may occur during construction activities as a result of vehicle movement and ground disturbing activities within the existing ROW. However, current routine maintenance activities in the ROW would pose a similar potential threat to wildlife residing in the Project Area. Potential indirect impacts to wildlife may occur due to temporary habitat loss and displacement. During construction, indirect impacts on wildlife species could occur from increased noise and human activity which could disrupt wildlife species in the vicinity of the Project Area, causing them to temporarily abandon habitat. It is anticipated that most wildlife would return to the area and resume normal activities after noise-producing activities have ceased.

In order to facilitate access during construction, a small number of trees in the ROW may need to be cleared. For each tree removed, two trees would be planted in the vicinity. No permanent changes to general landcover or habitat types would occur as a result of the Project.

Potential impacts to groundcover would be minimized by using BMPs. Erosion control BMPs would be used during construction of the rebuild and underbuild portions of the Project to avoid potential impacts to fish inhabiting streams in the vicinity of the Project Area. Following construction, disturbed areas associated with the removal of the existing structures and burying the distribution line would be graded and revegetated to pre-construction conditions. After construction, vegetation would continue to be controlled according to Minnkota's vegetation management plan.

Biological Resources - Threatened and Endangered Species

An official list of federally listed species in the action area (Project Area) was requested through the USFWS online Information, Planning, and Consultation (IPaC) program. The action area does not contain critical habitat. One federally endangered species (northern long eared bat; *Myotis septentrionalis*) and one candidate species (monarch butterfly; *Danaus plexippus*) were identified as having the potential to occur near or within the action area. Candidate species such as the monarch butterfly are not legally protected under the Endangered Species Act (ESA). As a result, Project related effects to the monarch butterfly were not assessed as part of this review.

Suitable forested habitat for northern long-eared bats is present in the action area; however, no maternity roost trees or hibernacula are known to occur within the vicinity of the action area. In order to avoid potential impacts to northern long-eared bats, all tree clearing would occur during the inactive season (between October 1 and April 15). The northern long-eared bat Rangewide Determination Key was completed in IPaC, and a may affect, not likely to adversely affect determination was concluded for the Project. Concurrence from the USFWS on this determination was received on July 20, 2023.

A Minnesota threatened and endangered species Natural Heritage Review (NHR) request was submitted to the Minnesota Department of Natural Resources (MDNR) through the Minnesota Conservation Explorer on December 15, 2022. The MDNR provided a NHR response on April 25, 2023. The MDNR's main recommendations were to minimize potential impacts to the state endangered loggerhead shrike (*Lanius ludovicianus*) by avoiding tree/shrub clearing during the nesting season and minimize potential impacts to state endangered chestnut-collared longspur (Calcarius ornatus) by avoiding ground-disturbing activities in undisturbed grassland/prairie habitat during the nesting season. Minnkota has committed to both of these impact minimization measures.

Biological Resources - Migratory Birds

Indirect impacts to migratory birds may occur as a result of temporary loss of habitat or displacement during construction activities. Once construction is over, it is anticipated that migratory birds would continue to use any habitat that was used pre-construction.

Direct impacts to ground nesting migratory birds residing in the Project Area may occur during construction activities, as a result of ground disturbing activities resulting from the Project. However, current routine maintenance activities in the ROW would pose a similar potential threat to ground nesting birds.

Operation of the Project may result in the potential risk of avian collision and electrocution with transmission conductors and equipment, which could result in injury or death of individuals. However, the existing transmission line currently poses a similar threat.

Minnkota's Project design would incorporate BMPs, such as bird flight diverters, to minimize impacts to migratory birds that are consistent with the Avian Powerline Interaction Committee's (APLIC's)

2012 guidelines. Minnkota has an Avian Protection Plan consistent with the guidelines developed by APLIC and USFWS.

Biological Resources - Bald and Golden Eagles

Impacts to golden eagles are not anticipated due to lack of suitable habitat. Direct impacts to bald eagles are not anticipated because the construction activities would be temporary and confined to a previously disturbed ROW that provides limited habitat to bald eagles.

Noise from construction activities could result in temporary indirect impacts on bald eagles, should any reside in the vicinity of the Project. Any bald eagles near the Project Area may temporarily abandon their habitat during Project construction. It is anticipated that they would return to the area and resume normal activities after construction activities have ceased. Potential impacts to bald eagles would be minimized by maintaining a half mile buffer between Project activities and any active nests. If construction or disturbance must be performed closer than a half mile from an active nest, activity would be restricted to outside the nesting season (i.e., August through mid-January).

Biological Resources - Invasive Species

The North Dakota Game and Fish (NDGF) tracks infested waters in North Dakota. According to the NDGF, the Sheyenne River and Red River are listed as infested waters. The MDNR also maintains a list of infested waters and has identified the Red River as infested. If construction equipment comes in contact with an infested water, the equipment would be cleaned of all aquatic plants, zebra mussels, or other invasive species. After being cleaned, the equipment would be visually inspected to ensure all material has been removed.

Project activities could result in the spread of invasive plant species or noxious weeds through disturbance of soil or movement of construction equipment in and out of the Project Area. Impact minimization measures include reseeding any disturbed soil promptly with agricultural or native species and use of BMPs, such as cleaning vehicles and construction equipment. Application of pesticides or herbicides may also be used to manage the spread of invasive plant species and noxious weeds associated with Project construction.

Historic and Cultural Properties

The Project will have no effect to historic properties, with RUS concluding that a finding of "no historic properties affected", in accordance with 36 CFR § 800.4(d)(1), is appropriate for this undertaking. On July 17, 2023, Minnkota submitted documentation to the North Dakota SHPO and the Minnesota SHPO supporting the finding of "no historic properties affected" for the Project. Correspondence received from the North Dakota SHPO on September 25, 2023 stated that the agency concurs with a determination of "no historic properties affected", provided the Project takes place in the location and in the manner described in the documentation and provided all borrow material comes from an approved source. Correspondence received from the Minnesota SHPO on October 12, 2023 stated that the project will have no effect on properties listed in or eligible for the National Register of Historic Places. Therefore, the

Project would not affect cultural resources and mitigation would not be required. No objections were received from Tribal Nations consulted. Agency coordination regarding Section 106 is on file with the RUS.

Aesthetics and Visual Resources

The Project consists of rebuilding an existing transmission line; therefore, visual impacts resulting from the transmission line are extant within the Project Area. Poles being used for the rebuild will be approximately 20 feet taller than the existing poles; on average poles will increase from 50 feet in height to 70 feet in height. As a result, the transmission line may be slightly more visible from further distances; however, no change in viewshed is anticipated as a result of the Project.

Air Quality

Construction activities would temporarily increase air emissions because of the combustion of fossil fuels in construction equipment and vehicles, and from the fugitive dust emissions associated with ground disturbance. These temporary air quality effects would last only for the duration of construction. Overall, impacts to air quality in the Project Area are anticipated to be minimal, and mitigation would not be required.

Socio-Economics and Environmental Justice

Demographic data indicates that the distribution of minority populations in the Project Area does not meet the criteria to qualify as low income or minority populations. Therefore, it is not anticipated the Project would adversely affect low income or minority populations The Project would improve energy transmission in the surrounding communities, thereby positively affecting all members of the community regardless of socioeconomic status or ethnicity.

Noise

Noise impacts would occur during Project construction in the form of temporary, localized noise from heavy equipment and increased vehicle traffic during daytime work hours. Noise levels would be temporarily increased from heavy duty equipment commonly used for construction occurring along with the typical noise levels from common activities in the area. Residences immediately adjacent to the construction area would experience the greatest level of noise disturbance; however, the noise would be intermittent and levels would decrease as construction moved along the corridor. Overall, effects of noise on adjacent residences during construction is anticipated to be minor, localized, and temporary and no mitigation measures are required.

Transportation

The Project would have minor impacts to traffic patterns on Minnesota Highway 26, which parallels the Project. However, construction work and staging would take place within the existing transmission line ROW. As such, a detour for vehicular traffic in this area is not anticipated and the

roadway would remain open during construction. Minor delays to regular traffic patterns may occur due to construction equipment accessing the ROW.

Human Health and Safety

The Project would perpetuate existing electromagnetic fields (EMF) and interference potential by replacing the existing overhead 69kV transmission line with new overhead lines and underground distribution lines of equal voltage. The Project Area is located adjacent to primarily agricultural land, with limited residences in the immediate vicinity. Since the voltage of the transmission lines is remaining the same and portions of the overhead line will be replaced with underground distribution lines, changes in EMF potential are not anticipated. With the implementation of the underground distribution line, the potential for EMF may be decreased. Potential public-health effects of EMFs are not expected from the Project and no mitigation measures are needed.

The potential for the Project to pose environmental risks to the surrounding area is anticipated to be low. Minnkota would be responsible for storing fuels, oils, and lubricants needed during construction in a protected manner away from surface waters. No indications of releases or contamination were observed within the Project Area, and the risk of a release of environmental contamination due to the Project is unlikely due to material storage measures that would be implemented during construction; as such, environmental risks are not anticipated.

E. PUBLIC AND AGENCY INVOLVEMENT

The availability of the EA for public review was announced via notice in the Forum of Fargo-Moorhead on November 15 and November 22, 2023. A 14-day comment period was announced in the newspaper notice, which ended on November 29, 2023. The EA was available for public review at: https://www.rd.usda.gov/resources/environmental-studies/assessments. No comments were received.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project would have no significant effects to land use (including important farmland and formally classified lands), floodplains, wetlands, water resources, coastal resources, biological resources (including fish, wildlife, vegetation), federal and state protected species, historic and cultural properties, aesthetics and visual resources, air quality, socio-economics/environmental justice, noise, transportation, or human health and safety. The proposed Project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human

environment would result from construction and operation of the proposed Project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS's action will not result in significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS's environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in RUS's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

CHRISTOPHER MCLEAN

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Date: 2023.12.07 11:40:05 -05'00'

Christopher McLean
Assistant Administrator Rural Utilities Service
USDA Rural Development

Contact Person

For additional information on this FONSI and EA, please contact Robert Deems, Environmental Protection Specialist, USDA Rural Development, Rural Utilities Service, by email at Robert.Deems@usda.gov.