

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
August 10, 2018

OFFICE OF ENERGY PROJECTS

Project No. 2533-061– Minnesota
Brainerd Hydroelectric Project
Brainerd Public Utilities

Subject: Scoping Document 2 for the Brainerd Hydroelectric Project

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document filed February 28, 2018, by Brainerd Hydro, LLC (Brainerd) for the relicensing of the 3.5425-megawatt Brainerd Hydroelectric Project (Brainerd Project) (FERC No. 2533). The Brainerd Project is located on the Mississippi River, in the City of Brainerd, in Crow Wing County, Minnesota. The project does not occupy federal land.

Under the Integrated Licensing Process, Brainerd must file its preliminary licensing proposal or draft license application by October 1, 2021. The final license application must be filed with the Commission by February 28, 2021, two years before the license expires.

Pursuant to the National Environmental Policy Act of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

In our April 26, 2018, Scoping Document 1 (SD1), we disclosed our preliminary view of the scope of environmental issues associated with relicensing the Brainerd Project. We requested comments on SD1 and held scoping meetings on May 16 and 17, 2018 to hear the views of all interested agencies and entities on the scope of issues that should be addressed in the EA. Based on verbal comments received at the meetings and the submission of written comments we received throughout the scoping process, we have prepared the enclosed Scoping Document 2 (SD2). The enclosed SD2 is intended to serve as a guide to the issues and alternatives to be addressed in the EA. ***Key changes from SD1 to SD2 are identified in bold, italicized type.***

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The SD2 is issued for informational use by all interested parties; no response is required. If you have any questions about SD2, the scoping process, or how Commission staff will develop the EA for this project, please contact Patrick Ely at patrick.ely@ferc.gov or (202) 502-8570. Additional information about the Commission's licensing process and the Brainerd Project may be obtained from our website, <http://www.ferc.gov>.

Enclosure: Scoping Document 2

SCOPING DOCUMENT 2
BRAINERD HYDROELECTRIC PROJECT
PROJECT NO. 2533-061

MINNESOTA



Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, D.C.

August 2018

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SCOPING DOCUMENT 2

Brainerd Hydroelectric Project No. 2533-061

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On February 28, 2018, Brainerd Hydro LLC (Brainerd) filed a Pre-Application Document (PAD) and Notice of Intent to seek a new license for the Brainerd Hydroelectric Project (Brainerd Project or project) (FERC Project No. 2533).²

The Brainerd Project is located on the Mississippi River in the City of Brainerd, Crow Wing County, Minnesota (figure 1). The project does not occupy federal land.

The existing Brainerd Project consists of: (1) a short left embankment; (2) a 256-foot-long powerhouse containing five turbine generators with a totaled installed capacity of 2.9425 megawatts (MW);³ (3) a 78-foot-long slide gate section; (4) a 207-foot-long bascule (crest) gate section; (5) a single 20-foot-wide steel Tainter gate; (6) a 200-foot-long right embankment; (7) a 236-foot-long, 2.4-kilovolt (kV) overhead transmission line; (8) a 25-foot-high dam; and (9) 2,500-acre impoundment. A more detailed description of the project is provided in section 3.0, *Proposed Action and Alternatives*.

¹ 16 U.S.C. §§ 791(a)-825(r).

² The current license for the Brainerd Project was issued on March 2, 1993, with an effective date of March 1, 1993, for a term of 30 years, and expires on February 28, 2023.

³ A license amendment allows for a sixth turbine generator unit, which will increase the total installed capacity to 3.5425 MW. The sixth turbine generator unit has not yet been installed. 156 FERC ¶62,045 (2016).

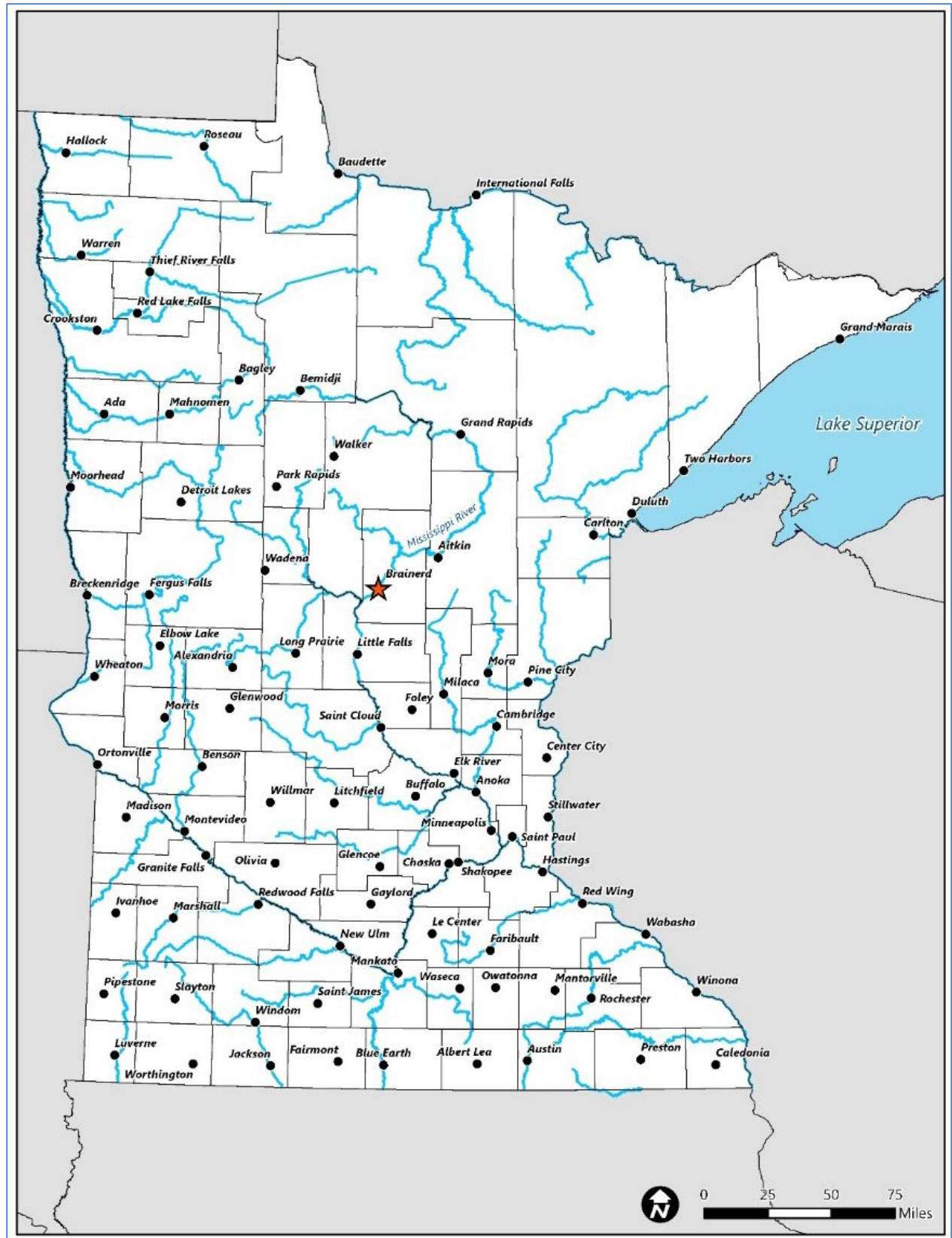


Figure 1. Project location map (Source: Brainerd, 2018)

The National Environmental Policy Act of 1969 (NEPA),⁴ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Brainerd Project as proposed, and also consider reasonable alternatives to the licensee's proposed action. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure that all pertinent issues are identified and analyzed.

Although our current intent is to prepare an EA, there is a possibility that an environmental impact statement (EIS) may be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

⁴ National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370(f) (2012).

2.0 SCOPING

This Scoping Document 2 (SD2) is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EA; (2) a description of the applicant's proposed action and alternatives; (3) preliminary identification of environmental issues; (4) a proposed EA outline; and (5) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSE OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. According to NEPA, the process should be conducted early in the planning stage of a project. The purposes of the scoping process are as follows:

- invite participation of federal, state, and local resource agencies; Tribes; non-governmental organizations (NGOs); and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the EA;
- solicit from participants available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW

Commission staff issued Scoping Document 1 (SD1) on April 26, 2018, to enable resource agencies, Indian tribes, and other interested parties to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of preliminary issues concerning the projects and identification of any new issues that needed to be addressed in the EA.

We conducted two scoping meetings and an environmental site review to identify potential issues associated with the Brainerd Project. Scoping meetings were held in Brainerd, Minnesota on May 16 and 17, 2018. An environmental site review was conducted on May 16, 2018. The scoping meetings and environmental site review were noticed in local newspapers and the Federal Register. A court reporter recorded and transcribed oral comments made during both scoping meetings.

In addition to oral comments received at the scoping meetings and written comments received from individuals, written comments were filed by the following entities

<u>COMMENTING ENTITY</u>	<u>FILING DATE</u>
U.S. Environmental Protection Agency (EPA)	June 25, 2018
Minnesota Department of Natural Resources (Minnesota DNR)	June 28, 2018

We revised SD1 following the scoping meetings and after reviewing comments filed during the scoping comment period, which ended on June 28, 2018. This SD2 presents our current view of issues and alternatives to be considered in the EA. ***To facilitate review, key changes from SD1 to SD2 are identified in bold, italicized type.*** All comments received are part of the Commission's official record for the project. Information in the official file is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. Information also may be accessed through the Commission's eLibrary system using the "Documents & Filings" link on the Commission's webpage at <http://www.ferc.gov>. Call (202) 502-6652 for assistance.

2.3 ISSUES RAISED DURING SCOPING

Comments received during scoping identified concerns about potential project effects on: aquatic resources (e.g., invasive species) and terrestrial resources (e.g., state listed species). Many of these comments fall within the scope of issues identified in SD1 and would be addressed as part of the environmental analysis for the proposed project. However, several issues were raised that were not identified in SD1 and we have modified SD2 accordingly. Below we summarize these comments and provide responses by subject area.

The summary does not include every oral or written comment made during the scoping process. For example, we do not address recommendations for license conditions (e.g., fishing access), as these recommendations would be addressed in the EA. Study requests (e.g., fish entrainment, recreational use, bathymetric) and comments on studies (e.g., geographic scope of study areas) are not discussed here, but would be considered during the study plan development and the ensuing study plan meetings.

Preparation of an Environmental Impact Statement (EIS)

Comment: Minnesota DNR recommends an EIS be developed instead of an EA. Minnesota DNR states an EIS is necessary because the license period is now a 40 year term and this is the first relicensing for the project by Brainerd, and that it is a newer owner/operator of the project. Minnesota DNR also states that an EIS is necessary because the project was originally licensed to a privately owned company, but is now a public project (i.e., municipality).

Response: The test for determining the need for an EIS is whether an action will have a significant impact on the quality of the human environment.⁵ Regardless of project ownership, how long the current licensee has operated the project, or the term of any potential new license for the project, the proposed action is to continue to operate the project in a run-of-river mode. The effects of such a proposed action are not a significant impact on the quality of the human environment. Therefore, an EIS is not necessary. However, if during our EA preparation we identify more complex issues, or if our analysis indicates that licensing the project would significantly affect the quality of the human environment, then an EIS would be prepared. This process is consistent with NEPA requirements.

Infrastructure

Comment: EPA recommends that the current condition and integrity of the project's physical infrastructure over the life of the new license be evaluated. EPA cites the National Climate Assessment's⁶ findings that in the Midwest, extreme heat, heavy downpours, and flooding will affect infrastructure, and states that resiliency and adaptation measures or plans should be considered to ensure that the project's infrastructure will maintain its structural integrity and maintain safe operating conditions under changing heat and precipitation conditions.

Response: The Brainerd Project is subject to Part 12 of the Commission's regulations (Safety of Water Power Projects and Project Works) under the current license. Part 12 requires, among other things, periodic operational inspections by Commission staff focusing on the continued safety of the structures. Projects that are subject to Part 12

⁵ 42 U.S.C. § 4332(2)(c) (2017).

⁶ Available: <https://www.globalchange.gov/browse/reports>

must also be inspected and evaluated every 5 years by an independent consultant and a consultant's safety report must be submitted for Commission review.

As part of the relicensing process, Commission staff would evaluate the continued adequacy of the proposed project facilities under a new license. Special articles would be included in any license issued, as appropriate. Commission staff would continue to inspect the project during any new license term to assure continued adherence to Commission-approved plans and specifications, special license articles relating to construction (if any), operation and maintenance, and accepted engineering practices and procedures.

Project Boundary

Comment: EPA states that the project boundary only covers the Brainerd Dam and the area upriver; therefore, EPA recommends extending the project boundary downstream for purposes of considering potential project effects to water quality, aquatic species, and other downstream resources.

Response: The geographic scope of analysis for project effects on a given resource is not limited to an analysis of the existing administrative area within the project boundary. Therefore, extending the project boundary is not necessary.

Aquatic Resources

Comment: EPA states that the river upstream of the project is listed as impaired for mercury in fish tissue and total suspended solids, and that remediation plans are currently underway. Therefore, EPA recommends that the EA describe existing water quality conditions at the project.

Response: As part of our analysis, the EA would include a description of the affected environment (e.g., existing water quality conditions), and the effects of project operation on water quality, including any proposed or recommended measures that may affect current impairments and/or any remediation plans, would be analyzed in the EA. Additionally, we have revised section 4.2.1, Aquatic Resources, to clarify that the EA would include an analysis of potential project effects of continued project operation on water quality both upstream and downstream of the project.

Comment: EPA recommends that the EA describe the context and intensity of effects to fish species caused by fish entrainment/impingement.

Response: As currently stated in section 4.2.1, Aquatic Resources, the EA would include an analysis of the effects of project operation on impingement, entrainment, and turbine induced fish mortality.

Comment: EPA recommends that coordination with the Minnesota DNR be documented in the EA.

Response: The Integrated Licensing Process (ILP) pre-filing period is designed to provide opportunities for consultation between the applicant and stakeholders. Based on the current process plan for the Brainerd Project, there are at least two and a half years before an application would be filed with the Commission, which should provide adequate time for consultation with the resource agencies, including Minnesota DNR. All filings made with the Commission and Commission issuances pertaining to the relicensing of the Brainerd Project would be made part of the Commission's official public record for the project. The instructions on how to access documents contained in the Commission's official public record are contained above in section 2.2. As such, there is no need to include these documents in the EA.

Comment: Minnesota DNR recommends that the effects of project operation on the fish community upstream and downstream of the project be analyzed, including biological connectivity (e.g., fish passage) and alteration of habitat.

Response: We have revised section 4.2.1, Aquatic Resources, to include the effects of continued project operation on migratory fish species and habitat.

Comment: Minnesota DNR states that the reach downstream of the dam supports a native, genetically unique, naturally reproducing Muskellunge fish population. The Minnesota DNR also states that it has been stocking Muskellunge upstream of the dam since 2006. Therefore, Minnesota DNR recommends that the Muskellunge population in the area of the dam be analyzed in the EA.

Response: We have revised section 4.2.1, Aquatic Resources, to clarify that the EA would include an analysis of potential project effects on the Muskellunge fish population upstream and downstream of the project.

Comment: Minnesota DNR recommends that aquatic invasive species be addressed in the EA.

Response: We have revised section 4.2.1, Aquatic Resources, to clarify that the EA would include an analysis of potential project effects of project operation on the presence and spread of aquatic invasive species.

Terrestrial Resources

Comment: Minnesota DNR recommends that effects of project operation on state-listed endangered, threatened, and rare species be addressed in the EA.

Response: We have revised section 4.2.2, Terrestrial Resources, to clarify that the EA would include an analysis of potential project effects on state-listed species, if present.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) Brainerd's proposed action, and (3) alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Brainerd Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.1.1 Existing Project Facilities

From the left bank of the Mississippi River (looking downstream) the project consists of a short left embankment, a 256-foot-long powerhouse containing five turbine generators with a total installed capacity of 2.9425 MW,⁷ a 78-foot-long slide gate section, a 207-foot-long bascule (crest) gate section, a single 20-foot-wide steel Tainter gate, and a 200-foot-long right embankment. The project has a normal pool elevation of 1174.0 feet National Geodetic Vertical Datum 1929 (NGVD) with a surface area of about 2,500 acres and a storage capacity of 13,000 acre-feet.

Power is transmitted from the project via a 236-foot-long, 2.4-kV overhead transmission line running from the powerhouse to a pad-mounted transformer located on the left embankment directly east of the powerhouse. Power is then transferred underground to the distribution grid. Annual generation for the project is approximately 19,482 megawatt-hours.

3.1.2 Existing Project Operation

The Brainerd Project operates in a run-of-river mode, such that outflow from the project approximates inflow, and maintains a target elevation of 1174.04 feet NGVD, with fluctuations limited to 0.10 foot, as required by Article 402 of the current license.⁸

⁷ Once the sixth turbine generator unit is installed, the total installed capacity will be 3.5425 MW.

⁸ 62 FERC ¶62,143 (1993).

Run-of-river mode may be temporarily modified in the event of an emergency if the Minnesota Department of Natural Resources agrees. The project is manually operated by one operator on duty for 24 hours a day, 7 days per week.

If the flow is less than 295 cubic feet per second (cfs), the hydraulic capacity of one unit, flow is passed over the spillway and the powerhouse is shut down. Once flows reach 295 cfs, the powerhouse is used to regulate flow to maintain reservoir level during normal flows. Once flows exceed the available powerhouse capacity, approximately 2,773 cfs, the gates are opened to pass remaining flows.

3.2 APPLICANT'S PROPOSAL

3.2.1 Proposed Project Facilities and Operations

Brainerd proposes to continue to operate the Brainerd Project in a run-of-river mode, such that outflow from the project approximates inflow. Brainerd does not propose any new developments, beyond the addition of a previously authorized sixth generating unit, or changes in project operation.

3.2.2 Proposed Environmental Measures

Brainerd proposes to operate its proposed Brainerd Project with the environmental protection, mitigation, and enhancement measures (PM&E) described in the following below. The potential need for additional PM&E measures will be evaluated during the relicensing process.

Geologic and Soil Resources

- There are no proposed PM&E measures related to geologic and soil resources for the Brainerd Project.

Aquatic Resources

- Continue to operate the project in a run-of-river mode to protect aquatic resources.

Terrestrial Resources

- There are no proposed PM&E measures related to terrestrial resources for the Brainerd Project.

Threatened and Endangered Species

- There are no proposed PM&E measures related to threatened and endangered species for the Brainerd Project.

Recreation and Land Use

- Continue to maintain existing water levels in the project reservoir to maintain current recreational uses in the reservoir and the Mississippi River.

Cultural Resources

- There are no proposed PM&E measures related to cultural resources for the Brainerd Project.

3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as the addition of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the Engineering Guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as environmental measures identified by staff, federal and state agencies, Tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed study in the EA.

3.5.1 Federal Government Takeover

In accordance with 18 C.F.R. § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.⁹ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

3.5.2 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Brainerd Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.5.3 Project Decommissioning

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the region. With decommissioning, the project would no longer be authorized to generate power.

No party has suggested project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental measures.

⁹ 16 U.S.C. §§ 791(a)-825(r).

4.0 SCOPE OF CUMULATIVE EFFECTS ANALYSIS AND RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

4.1.1 Resources That Could Be Cumulatively Affected

Based on information in the PAD for the Brainerd Project, and preliminary staff analysis, we have not identified any resources that could be cumulatively affected by the proposed continued operation of the project.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Brainerd Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA.

4.2.1 Aquatic Resources

- Effects of continued project operation on water quality (e.g., dissolved oxygen levels and water temperature) in the Mississippi River *both upstream and downstream* of Brainerd Dam.
- Effects of continued project operation on impingement, entrainment, and turbine induced fish mortality.
- *Effects of continued project operation on migratory fish species and habitat.*
- *Effects of continued project operation on the Muskellunge fish population both upstream and downstream of Brainerd Dam.*

- *Effects of project operation on the presence and spread of aquatic invasive species.*

4.2.2 Terrestrial Resources

- Effects of continued project operation on riparian, littoral, and wetland habitat and associated wildlife.
- *Effects of continued project operation on state-listed rare, threatened, and endangered species, if present.*

4.2.3 Threatened and Endangered Species

- Effects of continued project operation and maintenance on the federally threatened northern long-eared bat and the endangered gray wolf.

4.2.4 Recreation and Land Use

- Adequacy of existing recreational facilities and public access at the project to meet current and future recreational demand.
- Effects of continued project operation on recreational reservoir levels.
- Effects of continued project operation and maintenance on land use within the project area.

4.2.5 Cultural Resources

- Effects of continued project operation on properties that are included in or eligible for inclusion in the National Register of Historic Places.

5.0 PROPOSED STUDIES

Brainerd's initial study proposal is identified by resource area in table 1. Detailed information on Brainerd's initial study proposals can be found in the PAD. Additional studies may be added to this list based on comments provided by Commission staff, federal and state resource agencies, Tribes, and other interested participants.

Brainerd has not identified any issues relating to the following resources: geology and soils, aquatic, wildlife and botanical, rare, threatened or endangered species, aesthetic, or socio-economics. Therefore, no studies are proposed for these resource areas.

Table 1. Brainerd's initial study proposals for the Brainerd Project. (Source: Brainerd, 2018).

Resource Area	Proposed Study/Information Need
1. Recreation and Land Use Resources	Conduct a Recreation and Inventory Planning Assessment to inventory and assess recreation facilities and visitor use at the project.
2. Cultural Resources	Conduct a Cultural Resources Inventory Plan to assess a cultural resources survey.

6.0 EA PREPARATION SCHEDULE

At this time, we anticipate preparing a single EA. The EA will be sent to all persons and entities on the Commission's service and mailing lists for the Brainerd Project. The EA will include our recommendations for operating procedures, as well as PM&E measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA and file written comments with the Commission.

The major milestones, with pre-filing target dates are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Meetings	May 2018
License Application Filed	February 2021
Ready for Environmental Analysis Notice Issued	
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	
EA Issued	
Comments on EA Due	

Post-filing milestones will be established following Brainerd's filing of the final license application. A copy of the pre-filing portion of the process plan, which has a complete list of the milestones for developing the license application for the Brainerd Project, is attached as Appendix B to this SD1.

7.0 PROPOSED EA OUTLINE

The preliminary outline for the Brainerd Project EA is as follows:

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A— Draft License Conditions Recommended by Staff

8.0 COMPREHENSIVE PLANS

Section 10(a)(2)(A) of the FPA¹⁰ requires the Commission to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project. Commission staff has preliminarily identified and reviewed the plans listed below that may be applicable to the Brainerd Project. Agencies are requested to review this list and inform staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 C.F.R. 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Brainerd Project:

- Minnesota Department of Natural Resources. 1983. Statewide outstanding rivers inventory. St. Paul, Minnesota. March 1983.
- Minnesota Department of Natural Resources. 2015. Minnesota State Parks and Trails System Plan. St. Paul, Minnesota.
- Minnesota Department of Natural Resources. 2016. Minnesota's Wildlife Action Plan, 2015-2025. St. Paul, Minnesota.
- Minnesota Department of Natural Resources. n.d. Canoe and boating route program. St. Paul, Minnesota. 39 pamphlets.
- Minnesota Department of Natural Resources. n.d. Minnesota's State Comprehensive Outdoor Recreation Plan (SCORP): 2014-2018. St. Paul, Minnesota.
- Minnesota Department of Natural Resources. n.d. Strategic Conservation Agenda: The DNR's 10-year Strategic Plan, 2015-2025. St. Paul, Minnesota.

¹⁰ 16 U.S.C. § 803(a)(2)(A) (2012).

- Mississippi Headwaters Board. 1981. A management plan for the Upper Mississippi River. Grand Rapids, Minnesota. January 1981.
- National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993
- Upper Mississippi River Basin Commission. 1981. Comprehensive master plan for the management of the Upper Mississippi River system – environmental report. Minneapolis, Minnesota. September 1981.
- Upper Mississippi River Basin Commission. 1982. Comprehensive master plan for the management of the Upper Mississippi River system. Minneapolis, Minnesota. January 1, 1982.
- U.S. Fish and Wildlife Service. 1983. Higgins Eye (*Lampsilis higginsii*) mussel Recovery Plan. Prepared by the Higgins Eye Mussel Recovery Team. Twin Cities, Minnesota. July 29, 1983.
- U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

9.0 MAILING LIST

The list below is the Commission's official mailing list for the Brainerd Project. If you want to receive future mailings for this proceeding and are not included in the list below, please send your request by email to efiling@ferc.gov, or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Brainerd Hydroelectric Project (FERC No. 2533-061). You may use the same method if requesting removal from the mailing list.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this project or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Mailing List for the Brainerd Project, **FERC Project No. 2533**

Allette, Inc. David Moeller, Attorney Minnesota Power, Inc. 30 West Superior Street Duluth, MN 55802-2093	Potlatch Corporation Turre Sandstrom, Manager P.O. Box 511 Cloquet, MN 55720-0511
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City of Baxter 13190 Memorywood Drive Baxter, MN 56425	City of Crosby Delores Russel, Clerk 2 2 nd St SW Crosby, MN 56441-1425

<p>City of Nisswa Jan Buss, Clerk P.O. Box 410 Nisswa, MN 56468-0410</p>	<p>City of Pillager City Clerk 306 W. Elm St Pillager, MN 56472-8037</p>
<p>Crow Wing County Government 326 Laurel St., Suite 13 Brainerd, MN 56401</p>	<p>Crow Wing Soil & Water Conservation District 322 Laurel St. #22 Brainerd, MN 56401</p>
<p>Township of Center Chairwoman 22894 Antler Road Merrfield, MN 56465</p>	<p>Township of Irondale 19121 Country Road 1 Ironton, MN 56455</p>
<p>Township of Oak Lawn Supervisor P.O. Box 333 Brainerd, MN 56401</p>	<p>Township of West Crow Wing Chairman 6930 Cuyuna Ave Brainerd, MN 56401</p>
<p>Minnesota Department of Natural Resources Charlotte Cohn, Hydro Proj Manager 500 Lafayette Road, Box 25 St. Paul, MN 55155-4025</p>	<p>Minnesota Pollution Control Agency Laurel Menzer, Watershed Unit Supervisor 7678 College Road, STE 105 Baxter, MN 56425</p>
<p>Minnesota Historical Society State Historic Preservation Office Sarah J. Beimers 345 Kellogg Blvd West St. Paul MN 55102-1903</p>	<p>Minnesota Public Utilities Commission Daniel P. Wolf, Secretary 121 7th Pl East, Suite 350 St. Paul, MN 55101-2163</p>
<p>Office of the Attorney General Attorney General Lori Swanson State Capitol STE 102 St. Paul MN 55155</p>	<p>Office of the Governor Governor Mark Dayton 130 State Capitol 75 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 555155</p>

<p>Minnesota Geological Survey Harvey Thorleifson, Director 2642 University Ave W St. Paul, MN 55114-1032</p>	<p>Minnesota Board of Water Soil Resources John Jaschke, Exec. Dir. 520 Lafayette Road North St. Paul, MN 55155-0001</p>
<p>Minnesota Indian Affairs Council 161 St. Anthony Ave, Suite 919 St. Paul, MN 55103</p>	<p>Minnesota Bureau of Land Management Minnesota DNR 500 Lafayette Road N #30 Saint Paul, MN 55155-4030</p>
<p>Minnesota Department of Natural Resources Division of Waters 500 Lafayette Road N Saint Paul, MN 55155-4032</p>	<p>Minnesota Department of Natural Resources Division of Forestry 500 Lafayette Road N #44 Saint Paul, MN 55155-4002</p>
<p>Minnesota Division of Lands and Minerals Director 500 Lafayette Road N Saint Paul, MN 55155</p>	<p>Minnesota Division of Parks Director 500 Lafayette Road Saint Paul, MN 55155</p>
<p>Minnesota Department of Natural Resources Fish and Wildlife 500 Lafayette Road N Saint Paul, MN 55155-4001</p>	<p>Minnesota Department of Natural Resources Environmental Planner 500 Lafayette Road N Saint Paul, MN 55155-4010</p>
<p>Minnesota Historical Society State Historic Preservation Office Briita L. Bloomberg 345 Kellogg Blvd W Saint Paul, MN 55102-1903</p>	<p>Minnesota Office of Attorney General 900 NCL Tower 445 Minnesota St Saint Paul, MN 55101-2190</p>
<p>Minnesota Pollution Control Agency William Wilde 520 Lafayette Road Saint Paul, MN 55155</p>	<p>Minnesota Pollution Control Agency John L. Stine, Commissioner 520 Lafayette Road Saint Paul, MN 55155</p>

<p>Minnesota Public Utilities Commission Secretary 121 7th Pl East, Ste 350 Saint Paul, MN 55101-2163</p>	<p>Mississippi Headwaters Board Molly McGregor, Chairperson Cass County Courthouse 300 Minnesota Ave Walker, MN 56484</p>
<p>MPCA – Assessment/Planning Section Judy Bostrom Water Quality Division 520 Lafayette Rd N Saint Paul, MN 5515-4102</p>	<p>Northwest Regional Planning Commission 1400 S River St Spooner, WI 54801-8692</p>
<p>National Park Service Randall R Thoreson 111 East Kellogg Blvd. Suite 105 St. Paul, MN 55101</p>	<p>U.S. Army Corps of Engineers FERC Coordinator St. Paul District 180 5th St East, Ste 700 Saint Paul, MN 55101-1638</p>
<p>U.S. Bureau of Indian Affairs Diane Rosen- Midwest Regional Office Norman Pointe II Bldg 5600 West American Blvd, Ste 500 Bloomington, MN 55437</p>	<p>U.S. Environmental Protection Agency Liz Pelloso, Lead NEPA reviewer 77 West Jackson Boulevard Chicago, IL 60604-3590</p>
<p>US Fish and Wildlife Service Nick Utrup, Fisheries Biologist 4101 American Blvd. East Bloomington, MN 55425</p>	<p>US Fish and Wildlife Service Field Supervisor Green Bay Field Officer 2661 Scott Tower Dr New Franken, WI 54229-9565</p>
<p>US Fish and Wildlife Service Regional Director 5600 American Blvd W Ste 990 Bloomington, MN 55437-1458</p>	<p>National Park Service Nick Chevance, Regional Environmental Coordinator 601 Riverfront Drive Omaha, NE 68128</p>
<p>National Park Service Angela Marian Tornes, Midwest Hydropower Coordinator 626 E. Wisconsin Ave, Suite 100 Milwaukee, WI 53202</p>	<p>Advisory Council on Historic Preservation John M. Fowler, Executive Director Old Post Office Building 1100 Pennsylvania Ave NW STE 803 Washington, DC 20004</p>

Federal Emergency MGMT Agency Brock Long, Administrator 500 C Street SW Washington, DC 20472	U.S. Senator Office of Senator Klobuchar 302 Hart Senate Office Building Washington, DC 20510
U.S. Senator Office of Senator Smith 309 Hart Senate Office Building Washington, DC 20510	U.S. Bureau of Reclamation U.S. Department of the Interior Commissioner 1849 C Street NW Washington, DC 20240
U.S. Bureau of Land Management U.S. Department of the Interior State Director 20 M Street SE Suite 950 Washington, DC 20003	U.S. Department of Agriculture - Forest Service Regional Forester 626 East Wisconsin Avenue Milwaukee, WI 53202
U.S. Coast Guard Navigation Standards Division Commandant (CG-5533) 2100 2nd Street SW Stop 7580 Washington, DC 20593-7580	United States Geological Survey Denver Federal Center Box 25046 Denver CO 80225
U.S. Department of Commerce Office of the Secretary 1401 Constitution Avenue NW Washington DC 20230	American Rivers 1101 14th St. NW STE 1400 Washington DC 20005-5637
American Canoe Association Executive Director 1340 Central Blvd STE 210 Fredericksburg VA 22401	Trout Unlimited 227 SW Pine Street STE 200 Portland OR 97204-2700
Hydropower Reform Coalition National Coordinator 1101 14th St. NW STE 1400 Washington DC 20005-5637	Cheyenne & Arapaho Tribes Virginia Richey, THPO PO Box 167 Concho, OK 73022

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Minnesota Chippewa Tribe Norman DesChampe, President P.O. Box 217 Cass Lake MN 56633	Lac Courte Oreilles Band of Chippewa Indians Mic Isham, Chairman 13394 W Trepania Rd Bldg NOI
Grand Portage Reservation Norman DesChampe, Chairman Grand Portage Reservation Bus. Comm. PO Box 428 Grand Portage, MN 55605-0428	Leech Lake Band of Chippewa Indians George Goggleye, Chairman 115 6th Street N.W., Ste E Cass Lake, MN 56633
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Mille Lacs Band of Objibwe Indians Mille Lacs Chippewa Tribe Tribal Chairperson 43408 Oodena Dr Onamia, MN 563592236	Otoe-Missouria Tribe of Indians John R. Shotton, Chairman 8151 Highway 177 Red Rock OK 74651-0348
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<p>Prairie Island Indian Community of Minnesota Noah White, THPO 5636 Sturgeon Lake Road Welch, MN 55089</p>	<p>Shakopee Mdewakanton Sioux Community of Minnesota Bill Rudnicki, Tribal Administrator 2330 Sioux Trail NW Prior Lake MN 55372</p>
<p>Santee Sioux Tribal Council Roger Trudell, Chairman 108 Spirit Lake Ave West Niobrara NE 68760</p>	<p>White Earth Reservation Terrence Tibbetts, Chairman P.O. Box 418 White Earth MN 56591</p>
<p>Upper Sioux Community of Minnesota Kevin Jensvold, Chairman 5722 Travers Lane P.O. Box 147 Granite Falls MN 56241-0147</p>	<p><i>Minnesota Power</i> <i>Greg Prom</i> <i>30 West Superior Street</i> <i>Duluth, MN 55802</i></p>
<p><i>Minnesota Municipal Utilities Association</i> <i>Robert C. Jagusch</i> <i>3502 Kite Street</i> <i>Isle, MN 56342</i></p>	

APPENDIX A
BRAINERD PROJECT PROCESS PLAN AND SCHEDULE

This process plan establishes the deadlines for the pre-filing process. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines. Shaded milestones are unnecessary if there are no study disputes.

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Brainerd	Issue Public Notice for NOI/PAD	2/28/18	5.3(d)(2)
Brainerd	File NOI/PAD with FERC	2/28/18	5.5, 5.6
FERC	Tribal Meetings		5.7
FERC	Issue Notice of Commencement of Proceeding; Issue Scoping Document 1	4/29/18	5.8
FERC	Brainerd Project Environmental Site Review and Scoping Meetings	5/16/18 & 5/17/18	5.8(b)(viii)
All stakeholders	PAD/SD1 Comments and Study Requests Due	6/28/18	5.9
FERC	Issue Scoping Document 2	8/12/18	5.10
Brainerd	File Proposed Study Plan (PSP)	8/12/18	5.11(a)
All stakeholders	Proposed Study Plan Meeting	9/11/18	5.11(e)
All stakeholders	Proposed Study Plan Comments Due	11/10/18	5.12
Brainerd	File Revised Study Plan	12/10/18	5.13(a)
All stakeholders	Revised Study Plan Comments Due	12/25/18	5.13(b)
FERC	Director's Study Plan Determination	1/9/19	5.13(c)
Mandatory Conditioning Agencies	Any Study Disputes Due	1/29/19	5.14(a)
Dispute Panel	Third Dispute Panel Member Selected	2/13/19	5.14(d)
Dispute Panel	Dispute Resolution Panel Convenes	2/18/19	5.14(d)(3)
Brainerd	Applicant Comments on Study Disputes Due	2/23/19	5.14(j)
Dispute Panel	Dispute Resolution Panel Technical Conference	2/28/19	5.14(j)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Dispute Panel	Dispute Resolution Panel Findings Issued	3/20/19	5.14(k)
FERC	Director's Study Dispute Determination	4/9/19	5.14(l)
Brainerd	First Study Season	2019	5.15(a)
Brainerd	Initial Study Report	1/9/20	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	1/24/20	5.15(c)(2)
Brainerd	Initial Study Report Meeting Summary	2/8/20	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	3/9/20	5.15(c)(4)
All stakeholders	Responses to Disputes/Amendment Requests Due	4/8/20	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	5/8/20	5.15(c)(6)
Brainerd	Second Study Season	2020	5.15(a)
Brainerd	Updated Study Report due	1/8/21	5.15(f)
All stakeholders	Updated Study Report Meeting	1/23/21	5.15(f)
Brainerd	Updated Study Report Meeting Summary	2/7/21	5.15(f)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	3/9/21	5.15(f)
All stakeholders	Responses to Disputes/Amendment Requests Due	4/8/21	5.15(f)
FERC	Director's Determination on Disputes/Amendments	5/8/21	5.15(f)
Brainerd	File Preliminary Licensing Proposal	10/1/21	5.16(a)
All stakeholders	Preliminary Licensing Proposal Comments Due	12/30/21	5.16(e)
Brainerd	File Final License Application	2/28/21	5.17
FERC	Issue Public Notice of License Application Filing	3/14/21	5.17(d)(2)

Document Content(s)

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