

September 21, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations
Pleasant Valley Wind Repower Project
Docket No. IP-6828/WS-09-1197

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application for a Site Permit Amendment to Repower the Existing 200 Megawatt Pleasant Valley Wind Project in Dodge and Mower Counties, Minnesota.

EERA's comments and recommendations are in response to comments provided at the public information meetings conducted on August 16 and 17, 2022, and written comments that were efiled in the project docket between August 30, 2022 and September 12, 2022.

EERA staff is available to answer any questions the Commission may have.

Sincerely,



Richard Davis
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

PLEASANT VALLEY WIND REPOWER DOCKET No. IP6828/WS-09-1197

Date: September 21, 2022

Staff: Richard Davis | 507-380-6859 | richard.davis@state.mn.us

In the Matter of the Application for a Site Permit Amendment to Repower the 200 MW Pleasant Valley Large Wind Energy Conversion System (LWECS) in Dodge and Mower Counties, Minnesota

Issues Addressed: These comments and recommendations address the potential human environmental impacts of the proposed repowering project, and proposed Draft Site Permit changes, the Commission should consider before approving the requested site permit amendments, and other issues.

Relevant documents and additional information can be found on the eDockets website at <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year “09” and the number “1197”), or on the EERA website at <https://apps.commerce.state.mn.us/eera/web/project/14869>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

On April 29, 2022 Northern States Power (NSP), doing business as Xcel Energy (Permittee) applied to the Commission for a site permit amendment to repower the existing Pleasant Valley Wind Project located in Dodge and Mower Counties, originally permitted in 2013 and amended in 2014.¹ The Pleasant Valley Wind Project has existing turbines in Hayfield and Vernon Townships in Dodge County and in Dexter, Red Rock, Sargeant, and Waltham Townships in Mower County.

On June 22, 2022, the Department of Commerce, Energy Environmental Review and Analysis (EERA) provided comments on the Pleasant Valley Wind Repower Project site permit amendment application,

¹ Xcel Energy. Pleasant Valley Wind Repower. Initial Filing – Site Permit Amendment Application, Figures, and Appendices. April 29, 2022 (Amendment Application). eDocket ID # [20224-185369-01](#), [20224-185369-02](#), [20224-185369-03](#), [20224-185369-04](#), [20224-185369-05](#), [20224-185369-06](#), [20224-185369-07](#), [20224-185369-08](#), [20224-185371-01](#), [20224-185371-03](#), [20224-185371-04](#), [20224-185371-05](#), [20224-185371-07](#), and [20224-185371-08](#)

and submitted a Draft Amended Site Permit to eDockets.²

An in-person Public Information Meeting was held on Tuesday, August 16, 2022 in Austin, Minnesota, and a virtual Public Information Meeting was held on Wednesday, August 17, 2022. A comment period associated with these meetings concluded on August 31, 2022.

Comments Received

Public Information Meeting Comments

The in-person Public Information Meeting had approximately 15 attendees, and the virtual Public Information Meeting had three attendees. The Public Information Meeting attendees provided verbal comments that identified concerns of agricultural tile lines being broke by cranes and other heavy equipment during proposed repowering construction activities. There were also comments regarding concerns of impacts to local township roads that could be caused by heavy equipment being hauled into the project area, and Townships not being able to maintain gravel road integrity. Additionally, there were comments in support of the proposed repowering project as it will provide high paying, local jobs during construction.

Written Comments

Written comments were submitted to the record by a member of the public, Xcel Energy, Minnesota Department of Natural Resources (MnDNR), Minnesota Department of Transportation (MnDOT), Mower County, and the Mayor of the City of Sargeant, Minnesota.

Preul Comments

A comment letter was submitted by Mr. Mark Preul on August 30, 2022. Mr. Preul is opposed to the loss of farmland caused by the proposed project, and the obstacles to regular farming activities that are caused by the project components. Mr. Preul's comments also indicated that a contested case should be undertaken to address the proposed project impacts to farmland and farming activities, and he supported the development of an advisory task force.³

Xcel Energy Comments

Xcel Energy's August 31, 2022 comment letter⁴ primarily focused on requesting and recommending edits and revisions to the Amended Draft Site Permit filed by EERA ON June 22, 2022.⁵

MnDNR Comments

The MnDNR submitted a comment letter on August 31, 2022. MnDNR recommended the use of wildlife friendly erosion control such as bio-netting or natural netting, and recommended that a special permit condition be added to the Amended Site Permit. MnDNR recommended that the Permittee avoid construction activities that will impact designated snowmobile trails from December 1 through April 1, and recommended the inclusion of permit condition that requires the Permittee to consult with local

² DOC-EERA. Comments-Amend Application Completeness and Draft Site Permit. June 22, 2022 (Dated June 21, 2022). eDocket ID [20226-186821-01](#)

³ Public Utilities Commission. Public Comment-M Preul. August 30, 2022. eDocket ID [20228-188674-01](#)

⁴ Xcel Energy. Comments – Xcel PV Comments_Attachment A_Proposed Revisions to EERA Draft Site Permit Amendment. August 31, 2022. eDocket ID [20228-188739-01](#)

⁵ DOC-EERA. Comments-Amend Application Completeness and Draft Site Permit. June 22, 2022 (Dated June 21, 2022). eDocket ID [20226-186821-01](#)

snowmobile groups regarding project related impacts to the Mower County Management Snowmobile Trail system. MnDNR supports the Amended Site Permit inclusion of a condition requiring the development of a Prairie Protection and Management Plan (PPMP) by the Permittee.⁶

MnDOT Comments

MnDOT filed a comment letter on August 31, 2022. MnDOT's comments indicate that the Permittee will need to acquire new utility or access permits should any of the permanent points of access or collection lines change from the existing locations. Any state highways or state highway intersections requiring minor upgrades or modifications for the delivery of equipment or turbine components, and/or the removal of old turbine components will require additional coordination with MnDOT staff. MnDOT recommends that temporary roadway signage to be used during project construction activities, should be made and placed in a manner that will withstand winter wear and conditions. MnDOT's comments that any MnDOT permits to be issued for the repower project will not be issued until the Commission has issued an approved amended site permit.⁷

Mower County Comments

Mower County provided comments on the Pleasant Valley Wind Repower Project on August 31, 2022. Mower County expects that the Permittee will enter into a Road Use Agreement with Mower County for the use of County and/or Township roads. If any new access road intersect with County and/or Township roads, the Permittee must apply for new driveway or access permits from the County, and these permits would be approved after the Commission issues an approved amended site permit. Traffic control and construction that will impact County and/or Township roads must be coordinated through the Mower County Highway Department. Mower County also indicated that any laydown yards or staging areas associated with the proposed repowering project may require a Conditional Use Permit from Mower County. Mower County also requires that any decommissioned turbine parts must be properly disposed of within 12 months of initiating work. Mower County staff also indicated that there are microwave beam path corridors in the Project Area, and turbine repowering alterations must not interfere with microwave beam paths.⁸

Mayor of Sargeant Comments

Roger Nelson, the Mayor of the City of Sargeant, Minnesota, provided a comment letter on August 23, 2022. Mayor Nelson has concerns with three wind turbines of the existing Pleasant Valley Wind Project that are located within Sargeant city limits, and three other turbines are located within the 1,250 foot perimeter around the City of Sargeant. Mayor Nelson was unsure how these turbine locations were constructed, and he would like to see the issue investigated by the Commission and an independent investigative office. Mayor Nelson identified turbine noise under certain weather conditions was keeping residences from being outside on their deck or patio and holding a normal conversation. Mayor Nelson also indicated that turbine shadow flicker is another issue of concern for some residents.⁹

⁶ Minnesota Department of Natural Resources. Comments. August 31, 2022. eDocket ID [20228-188731-01](#).

⁷ MnDOT. Comments. August 31, 2022. eDocket ID [20228-188711-01](#)

⁸ Mower County. Comments-on Repower Site Permit Amendment. September 1, 2022 (Dated August 31, 2022). eDocket ID [20229-188769-01](#)

⁹ Public Utilities Commission. Public Comment-Roger Nelson. September 12, 2022 (Dated August 23, 2022). eDocket ID [20229-188999-01](#)

EERA Staff Analysis and Comments

Response to Comments Received

EERA staff has reviewed all comments received during the public information meetings and those that were submitted in written format. Additionally, EERA staff reached out to Mayor Nelson and had a conversation to better understand the issues and concerns he identified in his written comments.

Response to Public Information Meeting Comments

All of the primary concerns identified by participants at the public information meeting are addressed in the Amended Site Permit. Concerns regarding impacts to existing agricultural drain tile lines are covered by condition 7.6 Drainage Tile, potential impacts to county and township roads are addressed in condition 7.8.1 Public Roads, and the topic of using local labor is addressed with the addition of condition 13.2 Labor Statistics Reporting.

7.6 DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during Project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s).

7.8.1 PUBLIC ROADS

At least fourteen (14) prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the Project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the Project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and Project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

13.2 LABOR STATISTIC REPORTING

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the project. The reports shall (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, and (b) provide an account of: (i) the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; (ii) the gross

number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the project; and (iii) the total gross hours worked or total full-time equivalent workers. Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

Response to Mr. Preul's Comments

While EERA is appreciative of Mr. Preul's comments, it appears that a number of his comments are from the perspective that the Pleasant Valley Wind Project is a "new" proposed wind facility. Mr. Preul's comments reference the loss of farmland and obstacles to farming caused by putting wind energy facility components on the land. The proposed Pleasant Valley Repower Project, is a partial repower project, and no new towers or permanent access roads will be constructed on the landscape. The proposed Repower will involve temporary impacts to agricultural lands adjacent to each turbine while construction activities to repower each individual turbine occurs, and there will be temporary widening of existing turbine access roads to allow for equipment access to the turbines. All areas of disturbance adjacent to turbines and the access roads will be restored to its pre-construction condition, and it is EERA's understanding that the Permittee will appropriately reimburse landowners for any crop losses experienced by construction activities.

The Amended Site Permit currently contains permit conditions to protect topsoil, minimize soil compaction, and construction site restoration.

7.2 TOPSOIL PROTECTION

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner(s).

7.3 SOIL COMPACTION

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as practicable.

7.12 RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the affected landowner(s), restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve (12) months after completion of construction of the turbine, unless otherwise negotiated with the affected landowner(s). Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project.

Repowering construction activities are likely to impact agricultural drainage tile. The Permittee has committed to have a drain tile sub-constructor on-site during equipment mobilization and construction, activities that could impact drainage tile lines will be monitored closely, and once identified drainage tile damage will be repaired immediately.

The Amended Site Permit currently contains a permit condition requiring drainage tile repair and replacement.

7.6 DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during Project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s).

Mr. Preul's comments mention the need for a formal and contested review of potential impacts to Minnesota state agricultural economy and private property holders. EERA believes Mr. Preul is requesting a contested case hearing as outlined in Minnesota Administrative Rule 7854.0900 Public Participation, Subp. 5 Contested Case Hearing. It is important to note that Minnesota Rule 7854.0900, Subp. 5 is specific to the application process for the issuance of site permit for a new Large Wind Energy Conversion System (LWECS). The proposed Pleasant Valley Wind Repower is not a new LWECS, but is the repowering of an existing facility, which is subject to Minnesota Rule 7854.1300 Site Permit Amendment or Revocation, Subp. 2 Permit Amendment and Subp. 4 Procedure. EERA staff does not believe that Minnesota Rule 7854.0900, Subp. 5 Contested Case Hearing is applicable to the site permit amendment process.

In his comments Mr. Preul requested an Advisory Task Force and a moratorium on any further renewable wind, solar and related power infrastructure siting or expansion. EERA staff believes Mr. Preul's comment regarding an Advisory Task Force is in reference to Minnesota Statute 216E.08 Public Participation, Subdivision 1. Advisory Task Force. Although advisory task forces can be helpful and informative in the site permitting process for wind energy facilities, EERA staff cannot identify any special or rare resources that may be impacted by the proposed Pleasant Valley Repower Project that would justify the formation of an Advisory Task Force. Discussion of a moratorium on renewable wind, solar, and related power infrastructure siting or expansion are not within the scope of this comment period or the Pleasant Valley Wind Repower Project proceedings, and Mr. Preul would need to take his request for a moratorium to the State Legislature for its consideration.

Response to Xcel Energy Comments

EERA staff generally agrees with Xcel Energy's proposed edits and revisions to the Draft Site Permit Amendment filed on June 22, 2022 by EERA, with the following exception:

1. The combination of conditions 11.1 Periodic Review and 11.2 Modification of Conditions into a single condition.
 - a. These conditions address different items, and two separate issues should be maintained within the Amended Site Permit.

Response to MnDNR Comments

MnDNR's comment regarding a PPMP is addressed by condition 4.7 Native Prairie of the Amended Site Permit.

4.7 NATIVE PRAIRIE

Wind turbines and associated facilities, including foundations, access roads, collector and feeder lines, underground cable, and transformers, shall not be placed in native prairie, as defined in Minnesota Statutes section 84.02, subdivision 5, or lands enrolled in the Native Prairie Bank program as provided for in Minnesota Statutes section 84.96, unless addressed in a prairie protection and management plan. Construction activities, as defined in Minnesota Statutes section 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minnesota Statute 84.02, subdivision 5, or lands enrolled in the Native Prairie Bank program, are identified within the site boundaries. The Permittee shall file the plan with the site plan required by Section 5.1 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and, if applicable, mitigation to unavoidable impacts to native prairie including restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

EERA recommends the addition of special condition 13.3 Wildlife-Friendly Erosion Control and special condition 13.4 Snowmobile Trail to the Amended Site Permit to address MnDNR's comments.

13.3 WILDLIFE-FRIENDLY EROSION CONTROL

The Permittee shall use only "bio-netting" or "natural netting" types and mulch products without synthetic (plastic) fiber additives.

13.4 SNOWMOBILE TRAIL

The Permittee shall coordinate with local snowmobile groups regarding potential project related impacts to the Mower County Management Snowmobile Trail. Coordination with local snowmobile groups shall include discussions of potential construction timing and activities that could impact the trail and potential trail rerouting needs.

Response to MnDOT Comments

MnDOT's comments regarding other necessary permits and approvals the Permittee may need to acquire are addressed in Amended Site Permit conditions 10.5 Other Permits and 10.5.1 Compliance with Federal and State Agency Permits.

10.5 OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECS within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

10.5.1 COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the MPCA (Section 401 Water Quality Certification, NPDES/State Disposal System (SDS) stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation Act), FAA determinations, and Mn/DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit).

EERA has included additional clarifying language in the Amended Site Permit condition 7.15 Public Safety to address MnDOT's comments regarding the use of temporary roadway signage.

7.15 PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundary and, upon request, to interested persons, about the Project and any restrictions or dangers associated with the Project.

The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access. [Temporary roadway signage used during construction will be made of materials and placed in a manner that will withstand winter weather conditions.](#) The Permittee shall submit the location of all underground facilities, as defined in Minnesota Statutes section 216D.01, subdivision 11, to Gopher State One Call.

Response to Mower County Comments

Mower County's comments regarding the implementation of a Road Use Agreement between the Permittee and the County, and the concerns of traffic controls during construction are addressed in the Amended Site Permit, condition 7.8.1 Public Roads.

7.8.1 PUBLIC ROADS

At least fourteen (14) prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the Project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the Project. Where practical, all-

weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and Project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

Mower County made a comment with respect to the installation of new access roads as part of the Repower Project, as the Project has been proposed no new turbine access roads are anticipated. However, should it be determined that a new turbine access road is needed, or any turbine access roads need to be temporarily widened where they intersect state, county, and/or township roads Amended Site Permit Condition 7.8.2 Turbine Access Roads addresses the Permittee's responsibilities to coordinate and acquire the necessary permits from the appropriate road authority.

7.8.2 TURBINE ACCESS ROADS

The Permittee shall construct the least number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class five gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the DNR, USFWS, and/or USACE.

When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. The access or intersection points with the public roadways shall be located in accordance with all necessary township, county or state road requirements and permits. The access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

Mower County's comment regarding decommissioning of the proposed Repower Project is addressed in the Amended Site Permit in three conditions as well as the Project's Decommissioning Plan. The three conditions are 9.1 Decommissioning Plan, 9.2 Site Restoration, and 9.3 Abandoned Turbines. Additionally, EERA staff is continuing to coordinate and work with the Permittee to develop the Project's Decommissioning Plan prior to the beginning of Project construction.

9.1 DECOMMISSIONING PLAN

The Permittee shall comply with the provisions of the most recently filed and accepted decommissioning plan. The initial version of the decommissioning plan was submitted for this project as part of the April 29, 2022 Site Permit Amendment Application. The Permittee shall file an updated decommissioning plan, incorporating comments and information from the permitting process and any updates associated with the final construction plans, with the Commission 14 days

before the pre-construction meeting. The decommissioning plan shall be updated every five years following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 SITE RESTORATION

Upon expiration of this permit, or upon earlier termination of operation of the Project, or any turbine within the Project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner(s) requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner(s) shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.

9.3 ABANDONED TURBINES

The Permittee shall advise the Commission by a filing of any turbines that are abandoned prior to termination of operation of the Project. A Project, or any turbine within the Project, shall be considered abandoned after one (1) year without energy production and the land restored pursuant to Section 9.2 unless a plan is developed and filed with the Commission outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.

Mower County's comment identifying the possibility the Permittee may need to get a Conditional Use Permit from the County for the proposed laydown yard to be used during construction is addressed in

the Amended Site Permit conditions 10.5 Other Permits and 10.5.2 Compliance with County, City, or Municipal Permits.

10.5 OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECS within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

10.5.2 COMPLIANCE WITH COUNTY, CITY, OR MUNICIPAL PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the Project that do not conflict with or are not pre-empted by federal or state permits and regulations.

Mower County's concerns regarding repowered wind turbines interfering with microwave beam paths is addressed in the Amended Site Permit condition 6.4 Interference.

6.4 INTERFERENCE

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit a plan to the Commission for conducting an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the Project area.

The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed and eFiled prior to installation of the turbines. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the Project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

Response to Mayor of Sargeant Comments

Mayor Nelson's concerns about three existing wind turbines, T40, T41, and T45, of the Pleasant Valley Wind Project being located within Sargeant's city limits warranted additional review by EERA staff. In talking with Mayor Nelson, EERA staff was informed that Mayor Nelson was not in his mayoral role at the time of siting and the construction of the existing Pleasant Valley Wind Project, so there was the potential that the City's Mayor at that time may have worked out an arrangement with the original

Project Permittee, RES America Developments, Inc. that EERA and Mayor Nelson are not aware of. EERA staff completed additional review of the 2003 Mower County Zoning Ordinance¹⁰, and was not able to identify any restrictions specific to the placement of wind turbines within the limits of any city in Mower County. EERA staff completed an internet search for a City of Sargeant Ordinance and a Sargeant Township Ordinance, and it does not appear that either of those ordinances have been developed at this time. Minnesota Statute Chapter 216F and Minnesota Rules Chapter 7854 do not have any restrictions with respect to the siting of wind turbines within designated city limits.

EERA staff did some additional research within eDockets to determine when the three wind turbines located within the city limits of Sargeant were permitted in their current locations. In the amended site permit for Pleasant Valley Wind Project, issued by the Commission on February 20, 2013, turbine T45 was approved to be sited within the southeast corner of the limits of the City of Sargeant, turbine T40 was approved to be sited directly adjacent to the northern border of the Sargeant city limits near the northeast corner of the city, and turbine T41 was approved to be sited just outside the northeastern corner of the city limits boundary.¹¹ On November 25, 2013, Pleasant Valley Wind, LLC filed a Petition for Modification or Amendment to Site Permit¹², and in this Petition Pleasant Valley Wind, LLC requested a approval to use a different turbine model than what was originally permitted by the Commission, and this change in turbine model also facilitate modifications to the turbine layout as the Permittee identified and requested. In their Petition, the Permittee requested that the locations for turbines T40 and T41 both be shifted to the west and slightly south, placing them both within the city limits of Sargeant, and the location for turbine T45 remained relatively the same.¹³ Commission staff issued a Notice of Comment Period on November 27, 2013 for the Permittee's Petition to modify their turbine model and turbine locations, the initial comment period closed on December 12, 2013 and the reply comment period closed on December 19, 2013.¹⁴ During the comment and reply comment periods no comments opposing or requesting modifications to the turbine locations within the city limits of Sargeant were submitted. EERA staff reviewed the requested turbine location modifications, and indicated that the modified turbine layout complies with and meets all setback requirements and site layout restrictions identified in the site permit.¹⁵ On February 10, 2014 the Commission issued an amended site permit for the Pleasant Valley Wind Project, which authorized the siting and construction of turbines T40, T41, and T45 within Sargeant city limits.¹⁶

EERA is not aware of any restrictions specific to the city limits of the City of Sargeant that would prohibit turbine siting within city limits, as long as all setbacks and siting restrictions specified in the Amended Site Permit are met and the Permittee has appropriate agreements and easements in place with the private landowners.

With respect to Mayor Nelson's concerns regarding turbine related noise impacts and turbine related shadow flicker impacts on residents of the City of Sargeant, the Amended Site Permit addresses

¹⁰ Mower County Zoning Ordinance 2003. Last Updated 3.2.2022.

<https://www.co.mower.mn.us/DocumentCenter/View/1168/Mower-County-Zoning-Ordinance-PDF>.

¹¹ Public Utilities Commission. Order-Order Amending Site Permit. February 20, 2012. eDocket ID [20132-83965-01](#)

¹² Pleasant Valley Wind, LLC. Other-Petition for Modification or Amendment to Site Permit. November 25, 2013. eDocket ID [201311-94016-01](#)

¹³ Pleasant Valley Wind, LLC. Other-Petition for Modification or Amendment to Site Permit. November 25, 2013. eDocket ID [201311-94016-01](#)

¹⁴ Public Utilities Commission. Notice of Comment Period. November 27, 2013. eDocket ID [201311-94128-02](#)

¹⁵ DOC-EERA. Comments. December 12, 2013. eDocket ID [201312-94566-01](#)

¹⁶ Public Utilities Commission. Order-Order Amending Site Permit. February 10, 2014. eDocket ID [20142-96305-01](#)

potential noise issues in conditions 4.3 and 6.6 and potential shadow flicker issues are addressed in the revised condition 6.2 Shadow Flicker.

4.3 NOISE

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this permit by the MPCA at all times at all appropriate locations. The noise standards are found in Minnesota Rules chapter 7030.

Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with MPCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

6.6 NOISE

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least fourteen (14) days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECs noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of completion of the repowering project.

6.2 SHADOW FLICKER

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary subject to exposure ~~form~~ from turbine shadow flicker. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to minimize shadow flicker exposure. The results of any modeling shall be filed with the Commission at least fourteen (14) days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

The Permittee shall develop a project wide Shadow Flicker Management Plan that reduces shadow flicker exposure to less than 30 hours per years for all occupied residences.

The Permittee may exclude from the Shadow Flicker Management Plan residences that exceed 30 hours per year by providing documentation that the landowners have

[reached an alternative agreement as it relates to shadow flicker. If agreement is reached with a landowner regarding shadow flicker after the pre-construction meeting the Permittee may remove that residence from coverage under the plan.](#)

In our phone conversation with Mayor Nelson, it became rather obvious that the original Permittee, RES America Developments, Inc. had not done a satisfactory job of notifying the residents of the City of Sargeant that the Commission had issued a site permit for the Pleasant Valley Wind Project, which also led to a lack of communicating to city residents who they should contact if they wanted to report a complaint regarding the Project. EERA staff informed Mayor Nelson of the proper process that should have occurred, and told him that EERA will re-iterate the importance of adequate communication and noticing between the Permittee and residents of the city. The Permittee must provide notice as required in the Amended Site Permit in condition 5.2 Notice to Local Residents.

5.2 NOTICE TO LOCAL RESIDENTS

Within fourteen (14) days of the amended permit issuance, the Permittee shall send a printed copy of the permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. As applicable, the Permittee shall, within fourteen (14) days of permit issuance, send a printed copy of this permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located.

Within thirty (30) days of permit issuance, the Permittee shall send an abbreviated explanatory letter to each landowner within the Project boundary.

The letter shall summarize the changes to the permit, provide a copy of the complaint procedures, and provide instructions for accessing the permit online and obtaining a printed copy. The Permittee shall have the letter approved by Commission staff before sending it. In no case shall the landowner receive this site permit and complaint procedure, developed pursuant to Section 5.8, less than five (5) days prior to the start of construction on their property.

EERA Staff Recommendations

1. Issuance of an Amended Site Permit for the Pleasant Valley Repower Project using EERA'S proposed revisions to the June 22, 2022 EERA Draft Site Permit Amendment as identified in this letter.
2. Inclusion of Xcel Energy's proposed revisions to the Draft Amended Site Permit, with the exception of the combination of Amended Draft Site Permit conditions 11.1 and 11.2.