



**DEPARTMENT OF
NATURAL RESOURCES**

Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road
St. Paul, MN 55155-4040

March 20, 2018

[Electronic Submittal]

David Birkholz
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul MN 55101

RE: In the Matter of the Applications of Nobles 2 Power Partners, LLC for a Certificate of Need and Site Permit Application for the Nobles 2 Wind Project in Nobles County

Public Utilities Commission Docket Numbers: IP6964/WS-17-597 (Site Permit)

Dear Mr. Birkholz,

The Minnesota Department of Natural Resources (DNR) has reviewed the site permit application for the Nobles 2 Wind Project in Nobles County. DNR staff have also reviewed the Bird and Bat Conservation Strategy (BBCS) provided in Appendix G. Our agency offers the following comments and recommendations on these documents:

Meteorological Towers

Page 12 of the site permit application states: *"with some minor additional impacts depending on whether the meteorological towers are free-standing or guyed."* Page 65 of the BBCS indicates that efforts will be made to avoid tower designs that include guy wires and that, if guy wires are used, they will be equipped with bird deterrent devices. The DNR notes that recent site permits granted by the Public Utilities Commission have required permanent towers for meteorological equipment to be free standing. Our agency recommends that no permanent guyed meteorological towers be used as the wires can result in avian collisions/fatalities. Page 65 of the BBCS should also be changed to reflect the use of free-standing meteorological towers.

Wildlife Management Areas

Table 8.8.1a Wildlife Management Areas within 10 Miles (page 39) is incomplete. Groth and Einck Wildlife Management Areas (WMAs) are within the project boundary and are not listed in the table. The project should be reviewed to ensure that no direct impacts are planned to the WMAs and that the non-participating wind access buffer has been correctly applied.

Wind Access Buffers

Numerous turbines are proposed that extend the wind access buffer to end at the edge of WMA boundaries. Our agency recommends that the turbines be set back an additional 200 feet in order to account for future repowering. Future repowering typically increases the rotor diameter and can extend the wind access buffer into non-participating landowners property. Please be advised that the DNR, as a non-participating landowner,

will not support future wind access buffer adjustments/exemptions that would encroach on DNR administered lands.

Moderate Risk Site

Page 65 of the site permit application states: "*Nobles 2 believes that the overall risk of the project to avian and bat species is demonstrably low.*" Based on the DNR's review, the project risk is moderate due to the number of operational turbines planned for the site and the location of turbines surrounding large blocks of habitat associated with Swessinger, Einck, Fenmont, and County Line WMAs (map attached). WMAs are managed as habitat that supports increased avian and bat activity within the project area. The turbines surrounding Swessinger WMA are especially problematic because they are on all sides of the unit.

The bat acoustic data indicates moderate bat activity in the project area. Furthermore, the proposed project is for up to a 260 megawatt (MW) nameplate capacity that could have high facility wide bat fatalities, even when the fatality estimates are low, due to the number of turbines that would be operating in the project area. For example, a 260 MW site that has 5 bat fatalities per MW results in 1,300 bat fatalities per year and 26,000 over a 20 year time period. Based on the long-term potential for bat fatalities, this site it is at a minimum a moderate risk site. The fatality monitoring protocols used for the project need to adhere to the *Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota* for moderate risk sites. Specifically, the BBCS (7.1.1.1 and 7.1.1.2) needs to be modified to require a minimum of two search days per week for fatality monitoring.

Our agency would consider a low risk designation if numerous turbines are relocated farther from the habitat associated with the WMAs. If the turbine layout is not modified, fatality monitoring needs to include a minimum of three turbines near the habitat associated with the WMAs to determine if higher fatalities are occurring in this portion of the project area.

Turbine Locations

WMAs are established to protect lands and waters that have a high potential for wildlife production. As previously stated, the turbine locations near Swessinger WMA are particularly problematic because they are positioned on all sides of the WMA. Because the WMA's habitat supports avian and bat activity, our agency recommends that alternate turbine locations that are father away from the Swessinger WMA be used.

Bat Passes per Detector Night

Page 69 of the site permit application discusses the acoustic bat study. However, the overall Bat Passes per Detector Night (BPDN) are not included. Based on Table 4-11, it appears that the overall BPDN is 9.54 (4024 passes/422 detector nights). The site permit application and BBCS should include this information as it reflects the moderate risk to bats for the site.

Great Blue Heron Rookery

An active great blue heron rookery is mentioned in Table 4-10 of the BBCS. Our agency will need to review the rookery location compared to the planned infrastructure layout and provide additional comments as necessary at a later date.

Native Plant Communities

Pages 59 and 60 of the site permit application discuss native plant community rankings. For clarification purposes, the native prairie in T104N R42W Section 4 has a condition rank of A (excellent ecological integrity;

based on date of visit, which was in 2007) and the remaining native prairie remnants were not ranked because they were delineated based on non-DNR data, photo interpretation, or a peripheral survey. The source of the C and D ranks listed in Table 8.18.2 is not clear. If the discussion of C-rank communities is retained, it should be noted that C rank communities have potential for recovery with protection and management.

Native Prairie

Section 6.1.2 Facilities and Turbine Layout and Design (1b) of the BBCS states *"For the proposed turbine layout, all native prairie will be avoided to the maximum extent practicable."* The DNR recommends the following text: *"All ground disturbance (turbines, infrastructure, crane pathways) will avoid native prairie except where approved by the Department of Commerce - Energy Environmental Review and Analysis (EERA) and the DNR."* Also, given the many grassland species documented in their avian report, we recommend the avoidance of, and setback from, large blocks of grassland habitat (if present within the project boundary).

The DNR anticipates further coordination with our agency and the Department of Commerce-EERA concerning these issues before the draft site permit is developed. Please feel free to contact me at 651-259-5078 with any questions.

Sincerely,



Cynthia Warzecha
Principal Planner

Attachment: Map of Wildlife Management Areas in Relation to Proposed Turbine Locations

EC: Michael Kaluzniak, Minnesota Public Utilities Commission
Jamie MacAlister, Minnesota Department of Commerce - EERA
Scott Seier, Nobles 2 Power Partners, LLC
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