

Staff Briefing Papers

Meeting Date June 17, 2021 Agenda Item *2

Company Big Bend Wind, LLC and Red Rock Solar, LLC

Docket No. **IP-7013/WS-19-619, and TL-19-621**

In the Matter of the Application of Big Bend Wind, LLC for a Site Permit for the up to 308 MW Large Wind Energy Conversion System and a Route Permit for the 161 kV Transmission Line in Cottonwood, Martin, and Watonwan Counties, Minnesota

IP7014/GS-19-620

In the Matter of the Application of Red Rock Solar, LLC for a Site Permit for the up to 60 MW Red Rock Solar Project in Cottonwood County, Minnesota

Issues

1. Should the Commission issue a preliminary draft site permit for the Big Bend Wind Project?
2. What action should the Commission take regarding site or system alternatives for the wind farm to be evaluated in the environmental assessment?
3. What action should the Commission take regarding route alternatives for the HVTL transmission line to be evaluated in the environmental assessment?

Staff Cezar Panait Cezar.Panait@state.mn.us 651.201.2207

Staff Charley Bruce Charley.Bruce@state.mn.us 651.201.2251



Relevant Documents

Date

Site Permit Application (27 parts) (Docket# 19-619)

November 9, 2020

✓ Relevant Documents	Date
Application for Route Permit (12 parts) (Docket# 19-621)	November 9, 2020
Application for a Solar Generating System Site Permit (15 parts) (Docket# 19-620)	Nov. 9-10, 2020
Big Bend Wind Application Appendix F Public Version (3 parts) (Docket# 19-619)	January 14, 2021
Big Bend Wind Appendix F Trade Secret (6 parts) (Docket# 19-619)	January 14, 2021
Red Rock Solar Updated Appendix E Phase 1A Literature Review and NHIS Request (Docket# 19-620)	January 14, 2021
Order Accepting Applications, Establishing Procedural Framework, Granting Variances, and Oder for Hearing	March 11, 2021
Upper Sioux Community Letter (Docket# 19-619)	April 1, 2021
Minnesota Historical Society Comments (Docket# 19-619)	April 29, 2021
Minnesota DNR Comments (Docket# 19-619/19-620)	April 29, 2021
Lower Sioux Indian Community Comments (Docket# 19-619/19-620)	April 30, 2021
Minnesota DOT Comments (Docket# 19-619/19-620)	April 30, 2021
DOC EERA Public Comments Received by EERA (Docket# 19-619/19-620)	May 3, 2021
B. Hutchinson Public Comment (Docket# 19-619)	May 4, 2021
Big Bend Wind, LLC and Red Rock Solar, LLC Reply Comments (Docket# 19-619/19-620)	May 5, 2021
OAH Order Establishing Schedule (Docket# 19-619/19-620)	May 21, 2021
MnDOT Office of Aeronautics Comments (Docket# 19-619/19-620)	May 24, 2021
DOC EERA EA Scoping Summary and Recommendations (Docket# 19-619/19-620)	May 24, 2021
DOC EERA Comments, Recommendations, and Preliminary Draft Site Permit (Docket# 19-619)	June 3, 2021

Attachments

1. Preliminary Draft Site Permit

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

I. Statement of the Issues

1. Should the Commission issue a preliminary draft site permit for the Big Bend Wind Project?
2. What action should the commission take regarding site or system alternatives for the wind farm to be evaluated in the environmental assessment?
3. What action should the Commission take regarding route alternatives for the HVTL transmission line to be evaluated in the environmental assessment?

II. Background

Big Bend Wind, LLC (Big Bend), filed applications for a certificate of need, a site permit, and a route permit for an up-to 308 megawatt (MW) large wind energy conversion system and an approximately 18-mile 161 kV transmission line (Big Bend Wind Project). Similarly, Red Rock Solar, LLC (Red Rock) filed applications for a certificate of need, and site permit for a solar generating facility¹.

The Big Bend Wind Farm will be located in portions of Cottonwood and Watonwan counties, Minnesota, with a Project footprint that spans 43,523 acres of land in Delton, Selma, Carson, and Midway Townships (Cottonwood County) and Butterfield Township (Watonwan County). The Project will have up to 308 MW of nameplate wind energy capacity. Big Bend continues to assess its turbine options and is currently evaluating three wind turbine models with rated nameplate power outputs ranging from 5.5 MW to 5.7 MW, which would result in the construction and operation of between 55 and 54 wind turbines, respectively.

In addition to the turbines and related equipment, the Big Bend Wind Project would also include: gravel access roads, underground and/or above ground electrical collection and communication lines, one operation and maintenance facility, a project substation, up to one meteorological tower, a Sonic Detection and Ranging or Light Detection and Ranging unit, up to four Aircraft Detection Lighting System radars, and, if needed, one temporary batch plant area.

The Red Rock Solar Project will be located in Cottonwood County and is proposed as an up-to 60 MW solar energy generating system on approximately 483 acres of land in Cottonwood County (Red Rock Solar Project). The primary components of the facility would include photovoltaic panels installed on a tracking rack system, electrical inverters, an electrical collection system, fencing, access roads, up to three weather stations, a project substation, and 10 stormwater drainage basins. The power produced by the Red Rock Solar Project would be transferred to the grid on the proposed transmission line associated with the Big Bend Wind Project.

¹ See Docket Numbers CN-19-408 (Big Bend Wind) and CN -19-486 (Red Rock Solar).

The associated transmission line needed to interconnect the Big Bend Wind Farm and the Red Rock Solar Project to the transmission grid and will consist of approximately 18 miles of 161 kV transmission line located within Midway, Mountain Lake, Odin, and Cedar Townships in Cottonwood, Watonwan, and Martin Counties and will interconnect with the Blue Lake – Wilmarth - Interstate Junction 345 kV transmission line in Martin County.

The Big Bend Wind Project and Red Rock Solar Project have been proposed as a hybrid renewable energy generation project, which could generate up to a total of 335 MW of electricity. The Big Bend Wind Farm could generate up to 308 MW of electricity, the Red Rock Solar Project could generate up to 60 MW of electricity

Depending on the total generation capacity approved, the amount of electricity generated at the Red Rock Solar Project, and at the Big Bend Wind Project will be adjusted not to exceed a total of 335 MW. This means that if the Red Rock Solar Project was permitted at 60 MW, the Big Bend Wind Project would be limited to 275 MW.

The Red Rock Solar Project has been proposed to be constructed and operated only in combination with the proposed Big Bend Wind Farm. The Applicant has indicated the proposed projects are intended to function as a hybrid project of wind and solar energy generation. The Big Bend Wind Farm is feasible as a stand-alone project or as a hybrid.

The applicant has indicated that the Red Rock Solar Project will not proceed without the construction and operation of the Big Bend Wind Project, because it would not be feasible as a “stand-alone” generation facility considering the cost and expenses associated with the construction and maintenance of the HVTL needed to connect to the grid.

The purpose of the hybrid project, as described by the applicants, is to produce renewable energy for purchase by electric utilities or other entities to satisfy Minnesota Renewable Energy Standard under Minn. Stat. § 216B.1691, or other clean energy standards and sustainability goals. The applicants have not secured a power purchase agreement for the sale of the energy at this time.

The applicant anticipates a commercial operation date (COD) in the fourth quarter of 2022.

III. Procedural History

On November 9, 2020, Big Bend, LLC filed separate applications for a site permit, and a route permit for its proposed 308 MW Big Bend Wind Farm Project.

On November 9 and 10, 2020, Red Rock Solar, LLC filed an application for a site permit for the up to 60 MW Red Rock Solar Project.

On January 14, 2021, Big Bend filed Appendix F, Literature Review and NHIS Request both a public version and a trade secret version in the wind site permit docket.

On January 14, 2021, Red Rock Solar filed an Updated Appendix E Phase 1A Literature Review and NHIS Request in the solar site permit docket.

On March 11, 2021, the Commission issued an *Order Accepting Applications, Establishing Procedural Framework, Granting Variances, and Order for Hearing* (March 11 Order).

On April 1, 2021, Upper Sioux Community filed a letter requesting formal intervention in the Big Bend Wind Project.

On April 29, 2021, Minnesota Historical Society submitted comments.

On April 29, 2021, Minnesota Department of Natural Resources submitted comments.

On April 30, 2021, Lower Sioux Indian Community submitted comments.

On April 30, 2021, Minnesota Department of Transportation submitted comments.

On May 3, 2021, DOC EERA filed the public comments received on the Preliminary Draft Site Permit and the Environmental Assessment scoping decision.

On May 4, 2021, PUC staff filled a public comment received from Brad Hutchinson, a resident in the project area.

On May 5, 2021, Big Bend Wind, LLC and Red Rock Solar, LLC filed reply comments.

On May 21, 2021, Office of Administrative Hearing filed a Scheduling Order establishing schedule for the application review process.

On May 24, 2021, MnDOT Office of Aeronautics filed comments.

On May 24, 2021, DOC EERA submitted EA Scoping Summary and recommendation.

On June 3, 2021, DOC EERA filed a Proposed Preliminary Draft Site Permit and recommendations.

IV. Statutes and Rules

Minn. R. 7849.1900 allows for the necessary environmental review to be completed under joint proceedings as the Red Rock Solar Site Permit Application and the Big Bend Wind HVTL Route Permit Application qualify for the alternative review process, and the applications have been

submitted to the Commission at the same time as the CN Applications for the Big Bend Wind Farm and the Red Rock Solar Project.

Under joint proceedings, an EA can be prepared under Minn. R. 7850.3700 to meet the necessary environmental review for the CNs, site permits, and route permit, in lieu of completing separate ERs and EAs.

Minnesota Rules 7854.0800 – Preliminary Determination and Draft Site Permit

Subpart 1. **Preliminary determination.** Within 45 days after acceptance of the application, the commission shall make a preliminary determination whether a permit may be issued or should be denied.² If the preliminary determination is to issue a permit, the commission shall prepare a draft site permit for the project. The draft site permit must identify the person or persons who will be the permittee, describe the proposed LWECs, and include proposed permit conditions.

Subpart 2. **Effect of draft site permit.** A draft site permit does not authorize a person to construct an LWECs. The commission may change the draft site permit in any respect before final issuance or may deny the site permit.

V. Department of Commerce Energy Environment Review and Analysis (EERA) Comments and Recommendations on the EA Scoping Decision and Alternatives

The Big Bend Wind Transmission Line route permit application and the Red Rock Solar Project site permit application have been authorized for review under the alternative permitting process, and the Big Bend Wind Farm site permit application process will proceed as normal, with additional contested case proceedings specific to potential viewshed impacts of the proposed project on the users of the Jeffers Petroglyphs. The Commission acceptance order also directed the Big Bend Wind and Red Rock Solar Certificate of Need Applications be reviewed with the informal review process.

On May 24, 2021, EERA submitted EA Scoping Summary and Recommendation³, which describe the environmental assessment scoping process, including comments received and alternatives proposed, and informs the Commission of system alternatives, routes, and route segments EERA intends to recommend be included in the scoping decision for the environmental assessment (EA) that will be completed for the Big Bend Wind Farm, Big Bend Transmission Line, and the Red Rock Solar Project (Projects).

² The Commission in its March 11 Order varied the 45-day time period under Minn. R. 7854.0800, subp. 1, to extend the time for making a decision on the issuance of a draft site permit.

³ EERA Comments, eDocket No. [20215-174407-01](#)

During the April 1 Commission and EERA staff jointly held Public Information and Scoping Meeting, several verbal questions and comments were provided, but no detailed system alternatives were provided, but commentors suggested ideas such as developing only solar energy generation for the project and reducing the number of proposed wind turbines to be constructed and operated. There were no transmission line route alternatives or route alternative segments recommended during the Public Information and Scoping Meeting.

During the subsequent comment period, following the public meeting, several written comments were received from two state agencies and intervening parties, and several members of the public. Several system alternatives were recommended in the written comments received, but no route alternatives or route segment alternatives were recommended for the proposed Big Bend Transmission Line. No specific solar site alternatives were recommended during the Public Information and EA Scoping Meeting or during the associated comment period.

Some recommendations were made to increase the size of the Red Rock Solar Project to offset the need for all or a portion of the proposed Big Bend Wind Farm. EERA indicated they will evaluate these as system alternatives, as the general location of the proposed projects will still remain similar to what has been proposed.

After considering all the suggested system alternatives proposed by MNHS, the Lower Sioux Indian Community, and by several members of the public, as detailed in their respective comments identified below, EERA staff has recommended the following system alternatives for inclusion in the EA Scoping Decision:

- 335 MW solar facility (with no wind component)
- 335 MW hybrid project wind energy and solar energy
 - o with no proposed turbines placed within 8 miles of the Jeffers Petroglyphs site
 - o lost wind generation capacity will be replaced with additional solar
- 335 MW hybrid project wind energy and solar energy
 - o with no proposed turbines placed within 10 miles of the Jeffers Petroglyphs site
 - o lost wind generation capacity will be replaced with additional solar
- 335 MW hybrid project wind energy and solar energy
 - o with no proposed turbines placed within 11 miles of the Jeffers Petroglyphs site
 - o lost wind generation capacity will be replaced with additional solar

EERA staff indicated that if the Commission takes no action on the system alternatives recommended for inclusion in the scope of the EA, and does not put forward any route alternatives, route segment alternatives, or site alternatives, the Department would proceed to finalize and issue an EA scoping decision with the system alternatives as described in their comments. If the Commission takes action, the Department will incorporate the Commission's input and will finalize and issue an EA scoping decision that reflects this input.

With respect to the issue of consideration of different wind turbine heights, the Commission could request the Applicant to provide additional detail and context as to the reasons for selecting the proposed turbine models, and if there would be the potential to reduce the turbines total height or select a different turbine model that is shorter than the proposed machines. This type of information is more relevant to the LWECS site permit process, which is not part of the EA.

Agency and Other Officials Comments Received

Three state agencies submitted written comments on the site permit and route permit applications for the wind farm and the site permit for the solar project: the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Transportation (MnDOT), and the MnDOT office of Aeronautics. Comments were also received from intervening parties; Minnesota Historical Society (MNHS) and the Lower Sioux Indian Community (LSIC). The Upper Sioux Community also submitted written comments. Several comments were provided by members of the public during the Public Information and EA Scoping meeting, and also submitted written comments.

For a complete listing of all agency and individual comments received and how the Department proposes to incorporate them into the EA Scoping Decision or the Preliminary Draft Site Permit, staff refers to the DOC EERA June 3 Comments in their entirety, which are found in eDockets, Document ID [20216-174802-01](#).

Minnesota Department of Natural Resources⁴

The DNR provided comments with respect to all aspects of the proposed Projects, the Big Bend Wind Farm, Big Bend Wind HVTL, and the Red Rock Solar facility. They indicate there are known calcareous fens located within five miles of the Project Area, and the Project proponent will need to complete the necessary field review of all wetlands within 500 feet of construction activities to determine if any of the wetlands are calcareous fens. If any calcareous fens are identified within 500 feet of any proposed construction activities a Calcareous Fen Management Plan will need to be developed in consultation with the DNR.

Two Henslow's sparrows were identified in the Project Area during pre-construction avian surveys. The Henslow's sparrow is a State endangered species, and DNR has indicated that possible construction restrictions may be necessary between May 15 and July 15. Adjustments of construction timing, and the location of construction activities in proximity to potential Henslow's sparrow nesting habitat will be evaluated as possible mitigation measures within the EA.

⁴ DNR Comments, eDocket No. [20214-173605-01](#)

The proposed Big Bend Wind Farm Draft Site Permit application specifies that one year of post-construction fatality monitoring will be completed for the proposed project, once operations begin. DNR's comments recommend a minimum of two years of post-construction fatality monitoring for the Project, DNR's comment letter also states that the proposed location of Turbine 43 is within a mapped National Wetland Inventory (NWI) wetland basin.

Minnesota Department of Transportation, Office of Land Management

MnDOT provided comments⁵ that included HVTL specific comments addressing the proposed transmission line crossing of TH 60 at Cottonwood CSAH 8 to ensure safe and permissible pole placement when planning the transmission line alignment, which may require longer spans between poles.

Regarding the draft site permit, MnDOT strongly supports the 1.1 x total turbine height setback from Public Roads and Trails being applied to Big Bend Wind Project. Shadow Flicker from turbine T55 shows 10 hours annually affecting TH60. While overall trunk highway shadow flicker effects for a project this size are quite minimal, this affected portion of TH60 is the unfortunate host to numerous automobile crash problems. Because shadow flicker exposure has the potential to distract high-speed traffic, shadow flicker effects on Minnesota's traveling public will remain a concern for MnDOT.

With respect to the proposed Red Rock Solar Facility, because it sits amid the Big Bend Wind Project and does not directly abut a state trunk highway, MnDOT has no concerns at this time. The Applicants may need to acquire oversize/overweight hauling permits. MnDOT's highway construction activities could impact the Applicants' plans to haul oversize loads to the proposed site, and the Applicants will need to coordinate with MnDOT when planning such loads. MnDOT District 7 has several projects planned for the 2022 construction season. These projects can change and therefore, the applicant should regularly check the MnDOT website.

Minnesota Department of Transportation, Office of Aeronautics

EERA staff filed email correspondence⁶ with MnDOT's Office of Aeronautics (MnDOT Aeronautics) in which it informed EERA of the presence of a private runaway on Mr. Elvin Theissen's property, located at 62030 – 360th St., Butterfield, Minnesota in Watonwan County. The private runaway is located south of turbine T47. Construction of this turbine would make Mr. Theissen's runaway unusable. MnDOT Aeronautics also pointed out that the proposed turbines, being in excess of 500 feet above ground level (AGL), are considered to be obstructions to the safety of flight in Minnesota and a permit is required under Minnesota Statute 360.83 before they can be constructed. Lastly, a new rule this year requires existing Met Towers to be reported to MnDOT Aeronautics by August 21st of 2021.

⁵ MnDOT Comments, eDocket Id. [20214-173649-01](#)

⁶ EERA-Office of Aeronautics Correspondence, eDocket Id. [20215-174410-01](#)

Cottonwood County Board of Commissioners Comments

Two Cottonwood County Commissioners voiced their support for the proposed projects during the Public Information and Scoping Meeting. The County has received positive feedback on the proposed projects, and they indicated they have not heard any negative feedback at this time.

Minnesota Historical Society Comments

Minnesota Historical Society (MNHS) provided comments identifying the potential impacts of the proposed Big Bend Wind Farm on the users of the Jeffers Petroglyphs site located to the northwest of the proposed project. MNHS stated that the preservation and protection of the Jeffers Petroglyphs site is necessary because of the site's historical importance, but also to protect the current spiritual use and ceremonial importance of the Petroglyphs to Native American Tribes. MNHS points to the Minnesota Historic Sites Act and Statutory Obligations, MN Statute 138, in particular 138.40 and 138.665, and the responsibility of State departments and agencies to "protect the physical features and historic character" of the designated historic properties in the State. To meet these statute obligations MNHS has recommended that a full independent visual impact analysis (VIA), including standards-based evaluation, and full tribal consultation be completed by EERA and included in the EA that will be complete for the proposed projects.

MNHS comments also directed EERA to conduct full consultation with the 11 federally recognized tribal nations in Minnesota, and the seven federally recognized tribal nations that have been exiled from Minnesota. MNHS recommended that EERA's tribal consultation should include engaging tribal representatives on VIA methods, KOP (Key Observation Point) location selection, identifying potential adverse effects of the proposed project on users of the Jeffers Petroglyph sites, and potential recommended mitigation strategies. The MNHS comments also stated that EERA should document all consultation with the State Historic Preservation Office and the Minnesota State Archaeologist regarding and actions or mitigation measures that are agreed upon to avoid and mitigate any adverse effects of the proposed project on users of the Jeffers Petroglyphs site.

MNHS has identified the following alternatives to be included in the EA;

- Different turbine locations
- Different turbine heights
- Reduction in the number and density of turbines
- Removal of all wind turbines within 8 miles of the Jeffers Petroglyphs site property boundary, and the remaining turbines be reduced in height to no more than 570 feet (ground to blade tip), as shown in the July 2019 VIA completed by Apex
 - o Any energy output lost should be shifted by increase the size of the solar facility

- Removal of all wind turbines within 10 miles of the Jeffers Petroglyphs site property boundary, and the remaining turbines be reduced in height to no more than 656 (ground to blade tip)
 - o Any energy output lost should be shifted by increasing the size of the solar facility

Lower Sioux Indian Community Comments⁷

The Lower Sioux Indian Community (LSIC) has significant concerns with the proposed projects and their potential impacts to the Jeffers Petroglyphs and the Red Rock Ridge. The Jeffers Petroglyphs and the Red Rock Ridge are considered sacred historic landmarks and sacred active locations used for ceremonies and spiritual engagement of the LSIC and numerous other Tribal Nations. Jeffers Petroglyphs site and the Red Rock Ridge are a pivotal component of this State's and the continent's history. Individuals of numerous federally recognized Tribal Nations travel to the Jeffers Petroglyphs and the Red Rock Ridge to take part in ceremonies, prayer, connecting with their ancestors, and other spiritual activities. An essential component of the Jeffers Petroglyphs site and the Red Rock Ridge is the solitude provided to those that use the sites and participate in ceremonies at the sites. The LSIC has concerns that proposed projects will impact the solitude an individual can experience at the Jeffers Petroglyphs site and the Red Rock Ridge, which will substantially jeopardize their ability to practice the ceremonies of their culture. LSIC agrees with the MNHS recommendations for a detailed VIA of the proposed Big Bend Wind Farm's potential impacts to the viewshed from the Jeffers Petroglyphs and the Red Rock Ridge. The LSIC indicated their desire to be consulted in further assessments of potential viewshed impacts.

The LSIC has additional concerns about the potential impact of turbine generated noise on the spiritual experience of the users of the Jeffers Petroglyphs. LSIC is also concerned about the potential impacts of vibrations on the formations and carvings within the Jeffers Petroglyphs site and the Red Rock Ridge. The LSIC stated concerns that public and private funding for management of the Jeffers Petroglyphs and the Red Rock Ridge may be impacted by the construction and operation of the proposed projects.

The Jeffers Petroglyphs site and the Red Rock Ridge are part of a larger network of sacred sites extending westward into Montana. This larger network of sacred sites is known and actively used by multiple Indigenous groups throughout the Midwest. The larger network of sacred sites is representative of the Dakota concept of Kopemni, and any impacts to the Jeffers Petroglyphs or the Red Rock Ridge would be considered an impact to the larger network of sacred sites. The LSIC stated that the proposed projects have the distinct potential of contributing to the larger national theme of cultural genocide (intentionally or not), by imposing on and impacting the ability of Indian Tribal members to engage in the ceremonies and spiritual activities essential to their distinct cultural existence.

⁷ Lower Sioux Indian Community, Comments, April 30, 2021, eDockets # [20214-173724-01](#)

The LSIC stated concerns of other potential impacts of the proposed projects they believe should be evaluated in the EA. The disturbance of native prairie lands and the impairment of soils, releasing carbon and reduction to the surrounding carbon sink and disturbance to other natural habitats and ecosystems, of particular concern are local wetlands. The LSIC has concerns that the proposed projects could also interfere with local efforts to rehabilitate and restore the natural environment and habitats within and near the project area. The LSIC has particular concerns that the Big Bend Wind Farm will impact resident and migratory wildlife; including inadvertent destruction of birds, bats, and the local eagle population and potential impacts to migratory routes.

The LSIC identified potential human impacts of the proposed projects to be evaluated in the EA. Potential impacts specific to the Big Bend Wind Farm include sleeplessness, headaches, stress, hearing problems, heart palpitations, anxiety, depression, and potential socioeconomic impacts. The LSIC also have concerns about the proposed projects as a whole; long term exposure to electromagnetic fields in and surrounding the project site, property values, impacts to local utilities and infrastructure due to ground disturbance, increase in the use of heavy machinery, increased construction traffic, and road closures, and adjustments and maintenance of other utilities, gas, phone, water, and sewer.

The LSIC stated they would like all phases of the wind facility and solar facility life-cycle considered in the EA;

- Sourcing and transporting raw materials
- Manufacturing and transporting component parts
- Construction and related activities
- Operation, maintenance, recycling, and waste
- Decommissioning and dismantling

In determining the need for the proposed projects, the LSIC has identified three items to consider in the EA; regional energy needs, statewide and metro-specific energy needs, and the propriety of the high voltage transmission line. The regional energy needs should take into account the numerous local and distant energy sources, including the significant number of existing and soon to be developed renewable energy sources. Statewide and metro-specific energy needs should look at existing sources of energy, and also projected energy sources approved or likely to be approved by the Commission in the near future. Additionally, trends in small-scale and residential energy production should also be taken into consideration.

The LSIC comments stressed the importance for EERA to adhere to Executive Order 19-24 (E.O. 19-24). All interested Tribal Nations in Minnesota and other federally recognized tribes with historical or spiritual connections to the Jeffers Petroglyphs and the Red Rock Ridge should be engaged in the EA development process, identifying potential impacts of the proposed projects, mitigation strategies, and alternatives. The LSIC recommended that EERA and the Commission follow the United States Environmental Protection Agency's Policy on Environmental Justice for

Working with Federally Recognized Tribes and Indigenous Peoples, to enhance tribal consultation.

The LSIC requested that the EA consider if the proposed projects meet the letter and spirit of State and Federal environmental, religious preservation, and equal protection laws;

- Minnesota Environmental Rights Act – Minn Stat. Ch. 116B
- Minnesota Environmental Policy Act – Minn Stat. Ch. 116D
- National Historic Preservation Act - 16 U.S.C. 470 et al
- American Indian Religious Freedom Act of 1978 – 42 U.S.C. 1996
- First and Fourteenth Amendments of the United States Constitution
- Article I of the Minnesota Constitution

The LSIC has identified the following alternatives to be considered in the EA;

- No build
- Solar Only Project
 - o Including additional solar panels and modifications to the high voltage transmission line
- Wind and Solar
 - o 8 mile buffer between Jeffers Petroglyphs and Red Rock Ridge and the wind project, and no turbines taller than 570 feet (ground to blade tip)
- Wind and Solar
 - o 10 mile buffer between Jeffers Petroglyphs and Red Rock Ridge and the wind project, and no turbines taller than 660 feet (ground to blade tip)
- Wind and Solar
 - o 11 mile buffer between Jeffers Petroglyphs and Red Rock Ridge and the wind project, and no turbines taller than 660 feet (ground to blade tip)

Upper Sioux Community Comments⁸

The Upper Sioux Community submitted a letter into the record on April 1, 2021 stating that the Big Bend Wind Project will have a negative effect on the viewshed of the Jeffers Petroglyphs State Historic Site and associated sacred sites located in the area known as Red Rock Ridge. The landform and aforementioned sites are culturally and spiritually significant to the Upper Sioux Community and its members. Based on the foregoing, the Upper Sioux Community Tribal Historic Preservation Office, on the behalf of the Upper Sioux Community, hereby requested to formally intervene in the permitting process for the Big Bend Wind Project.

Public Information and Scoping Meeting Comments⁹

⁸ Upper Sioux Community Tribal Historic Preservation Office Letter, April 1, 2021, eDockets # [20214-172506-03](#)

⁹ DOC EERA Minutes – Public Information and Scoping Meeting Minutes, April 1, 2021, eDockets # [20214-173685-03](#)

Approximately 100 people attended the April 1, 2021 Public Information and EA Scoping meeting. Several comments were provided by members of the public during the Public Information and EA Scoping meeting, and written comments were received as well. All verbal comments at the Public Information and EA Scoping meeting are available in the meeting minutes¹⁰, and all written comments received by EERA have been filed in eDockets¹¹

In the interest of brevity, Commission staff will not reproduce the entire set of comments received from members of the public and the EERA responses and is referencing the EERA's June 3 comments¹² for a complete picture of the public comments received.

In response to the public comments received, EERA has proposed the following permit conditions and included them in the Preliminary Draft Site Permit that was filled by EERA along with the June 3 comments. EERA has also provided responses to other public comments received for which it is not recommending additional permit conditions and a recommendation as to how, if possible, the issue can be addressed.

Brad Hutchinson – Public Comment

On May 4, 2021, Brad Hutchinson, a resident in the project area, submitted a comment to the Commission which was also submitted to the EERA staff. Mr. Hutchinson addressed the questions that were posed in the Notice of Public Information Meeting, issued on March 17, 2021. In his comments, Mr. Hutchinson pointed to MNHS comments, agreeing that the viewshed for the Jeffers Petroglyphs Historic Site will be severely compromised by this project. He also pointed out that the viewshed changes resulting from the project's change in turbine size, along with noise and shadow flicker, would compromise the area for everyone who lives nearby and for these reasons he is opposing the project. Impacts to the natural environment, including bald eagles was also mentioned. Mr. Hutchinson proposed, as a mitigation measure, to convert the entire project to solar, as the area already includes a large number of wind turbines. He stated that a new project based solely on solar would help balance out our current dependence on wind and make for a more stable energy infrastructure.

VI. Department of Commerce Energy Environment Review and Analysis (EERA) Comments and Recommendations on the Draft Site Permit

Modifications to Sample Permit

¹⁰ Id.

¹¹ DOC-EERA. Public Comments Received by EERA on PDSP and EA Scoping. May 3, 2021. eDocket # [20215-173780-03](#)

¹² EERA, Draft Site Permit Comments and Recommendations, June 3, 2021, eDocket # [20216-174802-01](#)

On June 3, 2021, EERA filed Comments and Recommendations and a proposed Preliminary Draft Site Permit.¹³ The EERA also provided a summary of the comments received during the public information meeting and subsequent comment period on a draft site permit.

The redline version of the preliminary Draft Site Permit (DSP) included as an attachment to EERA's comments shows a number of strikeouts and additions made to the sample permit submitted by Commission staff.¹⁴ Most of these changes are minor technical changes that add items specific to the project (e.g. permittee name, project location, turbine models), make minor corrections for clarity (e.g. replace "route" with "site"), or provide more clarity by typing required filings with certain milestones (e.g. replacing "prior to construction" with "14 days prior to the pre-construction meeting"). These changes are consistent with LWECS site permits recently issued by the Commission.

For the Commission's convenience, EERA staff provided the following table summarizing changes from the sample permit.

¹³ EERA Comments, eDocket No. [20216-174802-01](#)

¹⁴ PUC. Briefing Papers – February 4, 2021 Agenda. January 28, 2021. eDocket #[20211-170376-02](#)

Table 1. Modifications to Sample Permit

Section Title	Section Number	Proposed Modification
Cover Page		updates with project-specific information
Contents		updates with new conditions added
Site Permit	1	updates with project-specific information
Project Description	2	updates with project-specific information
Designated Site	3	updates with project-specific information
Wind Turbine Towers	4.9	updates with project-specific information
Aviation	4.12	links notification of airports to the preconstruction meeting
Access to property	5.2	adds the modifier “private” before property, to clarify that permission is needed to enter private property, removes “route”
Construction and Operation Practices	5.3	updates with project-specific information
Field Representative	5.3.1	links identification of field representatives to the pre-construction meeting
Site Manager	5.3.2	links identification of site manager to the pre-operation meeting, rather than “prior to commercial operation.”
Soil Compaction	5.3.6	requires use of decompaction measures for soils disturbed during construction of the project
Wetlands and Water Resources	5.3.8	adds Board of Water and Soil Resources to the list of water quality requirements to be met.
Calcareous Fen Management Plan	5.3.8.1	condition added
Public Roads	5.3.13	adds examples of “satisfactory arrangements” the permittee shall make with state and local road authorities.
Pollution and Hazardous Waste	5.3.24	clarifies that the permittee is responsible for minimizing pollution and safely handling hazardous wastes through all aspects of construction, restoration, and operation of the facility.
FAA Lighting	5.3.28	requires permittee to implement FAA-approved mitigation measures to minimize impact from the turbine lights to nearby residents and travelers.
Other Permits and Regulations	5.6.2	requires that permittees provide a pre-construction status update on all permits, authorizations, and approvals required for the project.
Special Conditions	6.1	requires permittee to provide stormwater conservation districts and landowners an opportunity to review and comment on project plans to minimize potential impacts from stormwater related to project construction and operation.
Avian and Bat Protection	7.5.1	added special condition, requires a minimum of two years of post-construction monitoring.
	7.5.2	changed from special condition 7.5.1, references the draft Avian and Bat Protection Plan (ABPP) provided in the application and clarifies the ABPP revision process

Section Title	Section Number	Proposed Modification
	7.5.3	changed from special condition 7.5.2, adds Department to distribution list for quarterly wildlife reports
	7.5.4	clarifies incident reporting requirements and distribution of reports
	7.5.5	changed from special condition 7.5.4
Complaint Procedures	9	links filing of complaint procedures to the pre-construction meeting
Site Plan	10.3	adds local environmental services and public works departments to the distribution list for site plans.
Project Energy Production	10.9	standardizes annual reporting of energy production
Decommissioning	11.1	references the draft decommissioning plan provided in the application and clarifies the decommissioning plan revision process
Change in Ownership	14	clarifies the timeframe by which permittee must notify the Commission of its ownership structure

After considering all the agency and public comments received, EERA identified the following issues and has proposed resolutions or responded to each issue, including adding special permit conditions in the draft site permit when appropriate, as indicated below:

Issue 1

DNR indicated that the Project proponent will need to complete the necessary field review of all wetlands within 500 feet of construction activities to determine if any of the wetlands are calcareous fens. If any calcareous fens are identified within 500 feet of any proposed construction activities a Calcareous Fen Management Plan will need to be developed in consultation with the DNR.

EERA recommends the addition and inclusion of condition 5.3.8.1 in the preliminary DSP to address the potential need for a Calcareous Fen Management Plan.

Issue 2

Two Henslow's sparrows were identified in the Project Area during pre-construction avian surveys. The Henslow's sparrow is a State endangered species, and DNR has indicated that possible construction restrictions may be necessary between May 15 and July 15.

EERA will evaluate adjustments of construction timing, and the location of construction activities in proximity to potential Henslow's sparrow nesting habitat will be evaluated as the record is developed. If EERA determines that the record supports construction timing adjustments as an appropriate mitigation measure, EERA will recommend a special condition for the ALJ and the Commission to consider for inclusion in the final Site Permit, should one be

issued.

Issue 3

The Big Bend's Site Permit application specifies that one year of post-construction fatality monitoring will be completed for the proposed project, once operations begin. DNR's comments recommend a minimum of two years of post-construction fatality monitoring for the Project, which is consistent with the most recently approved LWECs Site Permits issued by the Commission.

EERA recommends a minimum of two years of post-construction fatality monitoring be completed at the proposed project, and this language has been included in special condition 7.5.1 of the preliminary DSP.

Issue 4

DNR's comment letter stated that the proposed location of Turbine 43 is within a mapped National Wetland Inventory (NWI) wetland basin. The NWI is a tool for wetland delineators to assess large project areas for potential wetland areas to investigate further. However, it is important to remember that upon further field investigation some wetland basins on the NWI may be determined not to be wetlands, and not all wetland basins are identified on the NWI. There were also comments from members of the public that identified concerns with potential wetland impacts associated with the proposed project.

The Project applicant will conduct a detailed wetland investigation, both desktop and field based, to identify and delineate all wetlands that could potentially be impacted by the proposed projects. All wetland impacts related to the proposed projects will be mitigated as required by the State of Minnesota Wetland Conservation Act (WCA) and the United States Army Corps of Engineers (USACOE) 404 Wetland Permit program.

Wetland delineations are addressed in special condition 7.1 Biological and Natural Resource Inventories of the DSP, and siting restrictions associated with public waters wetlands, wetland impacts, mitigations and permitting are addressed in section 4.6 Wetlands, condition 5.3.8 Wetlands and Water Resources, and condition 5.6.2 Other Permits and Regulations in the DSP.

Issue 5

MnDOT Aeronautics and Mr. Theissen have both identified concerns with the location of proposed Turbine T47, and its potential impact on Mr. Theissen's private runway. MnDOT Aeronautics also identified concerns with the proposed turbines' total tip height, and the need for additional MnDOT Aviation permits. There are also concerns that Turbines T43 and T44, as proposed, are within the flight pattern of a State licensed airstrip in Section 19 of Butterfield Township in Cottonwood County.

Mr. Theissen indicated Turbine T43 is proposed on Joel Penner's Property, and the turbine location could be shifted north, remain on Mr. Penner's Property, and be outside the licensed airstrip's flight pattern. The proposed Turbine T44 location is on Duwayn Falk's Property, and

Mr. Theissen indicated Turbine T44 can be shifted to another section to the northwest and still be Mr. Falk's Property.

It is EERA's understanding that the Applicant is currently working with Mr. Theissen to construct and operate the proposed Turbine T47, and still allow Mr. Theissen to operate his private runway. EERA will remain in contact with the Applicant, MnDOT Aeronautics staff, and Mr. Theissen. If necessary, EERA will provide a recommendation to the ALJ along with a proposed special condition for the judge to consider as he prepares his report.

The additional MnDOT Aviation permit is covered under condition 5.6.2 Other Permits and Regulations of the attached preliminary DSP. The status of any MnDOT Aviation Permits necessary to construct and operate the proposed Big Bend Wind Farm will need to be filed in eDockets, as a pre-construction compliance filing, 14 days prior to the pre-construction meeting.

Issue 6

MnDOT – Office of Land Management (MnDOT OLM) staff identified potential concerns with the shadow flicker modeled from Turbine T-55 at up to 10 hours per year, that could extend onto a segment of TH 60 that has been the site of numerous automobile crashes.

Currently, shadow flicker assessments are completed for residences within the project area that may be impacted by operating wind turbines. EERA will evaluate the shadow flicker assessment modeling and proposed turbine locations to assess the potential shadow flicker impacts of Turbine T-55 on TH 60. EERA will coordinate with the Applicant and MnDOT OLM staff to determine if the movement or complete removal of Turbine T-55 at its proposed location is necessary to avoid or minimize impacts to drivers on TH 60. EERA will make a recommendation to the ALJ on this issue during the Public Hearing comment period, and the ALJ and the Commission can consider any recommended conditions or special conditions for inclusion in the final Site Permit, should one be issued.

Issue 7

All proposed projects may need to acquire MnDOT permits; utility accommodation on trunk highway right of way, oversize/overweight hauling, and other highway access permitting. MnDOT permit reviews can result in additional construction criteria and/or the requests to move portions of the proposed project structures out of given areas of concern. Permit applications submitted to MnDOT OLM, as part of the proposed projects, will not be issued until the Commission has issued approved permits for, and authorized construction of, these projects.

EERA will remain in contact with MnDOT OLM to make sure their concerns are being met.

Other parties and commentors also identified concerns of potential impacts to public roads and public infrastructure from the proposed project construction activities.

EERA's preliminary DSP includes condition 4.4 Roads, condition 5.3.13 Public Roads, and 5.6.2 Other Permits and Regulations, which provide protections and requirements specific to turbine setbacks to public roads and the use of and repair of public roads.

Issue 8

MNHS and the LSIC have indicated that the proposed Big Bend Wind Farm should be set back from the Jeffers Petroglyphs, and the turbines that are constructed should have a reduced total tip height to avoid visual impacts to users of the Jeffers Petroglyphs site. MNHS and the LSIC have also requested to be involved with the VIA being conducted by EERA.

EERA has, and will continue to, coordinate with MNHS staff, Tribal community representatives, the Red Rock Ridge Research Group with the VIA process, KOP selection, and VIA analysis. EERA plans to evaluate the proposed turbine layouts as included in the Application, and various no turbine buffer distances from the Jeffers Petroglyphs (eight miles, 10 miles, and 11 miles). When evaluating the turbine layouts with no turbine buffer distances from the Jeffers Petroglyphs site, any proposed turbines within the no turbine buffer areas would be removed from the layout and the lost potential energy production would be offset by an equal increase in solar energy production at the Red Rock Solar facility. The VIA will utilize various KOPs that represent locations the users of the Jeffers Petroglyphs site visit and use on a regular basis, and some KOPs on the Red Rock Ridge, outside of the Jeffers Petroglyphs site, will also be included in the VIA.

EERA will utilize the VIA in completing the EA, and if appropriate, EERA will also use the VIA results to develop and recommend mitigation measures and special conditions for the ALJ and the Commission to consider for inclusion in the final Site Permit, should one be issued.

Issue 9

The LSIC identified a number of concerns associated with the construction of the proposed Big Bend Wind Farm; disturbance of native prairie lands, the impairment of soils releasing carbon and reduction to the surrounding carbon sink and disturbance to other natural habitats and ecosystems.

EERA believes these potential impacts are addressed in the preliminary DSP, which provides protections to native habitats and vegetative cover with condition 4.7 Native Prairie, condition 4.6 Wetlands, and condition 5.3.9 Vegetation Removal.

Issue 10

The LSIC has concerns that the proposed projects could also interfere with local efforts to rehabilitate and restore the natural environment and habitats within and near the project area. Public commentors also identified concerns with the potential loss of future conservation efforts and lands, due to the presence of the easements held on private properties by the project proponent.

EERA acknowledges this concern and the potential impacts this could have on future

conservation efforts within the proposed project area, and on a regional and statewide basis. However, EERA does not have any knowledge of easement restrictions on properties in the proposed Big Bend Wind Farm project area that would directly prohibit future conservation efforts on lands under easement.

EERA staff is willing to coordinate meetings or discussions with the Applicant and any conservation entities if there are lands currently and actively being pursued for inclusion in the proposed Big Bend Wind Farm and a proposed conservation land and/or habitat effort. However, EERA staff must be provided with specific information on the proposed conservation efforts and be provided with the appropriate information to contact the conservation entity.

Issue 11

The LSIC has concerns that the Big Bend Wind Farm will impact resident and migratory wildlife, including inadvertent destruction of birds, bats, and the local eagle population and potential impacts to migratory routes. Public commentors also identified concerns with potential impacts to birds and bats through turbine blade strike. Another commentor identified concerns for wildlife species that utilize the Watonwan River; ducks, herons, bald eagles, osprey, turkeys, and other raptors and birds will possibly be impacted significantly by Turbines T49 and T16.

The project applicant is required to conduct a minimum of two years of post-construction fatality monitoring for birds and bats once the project becomes operational. Additionally, efforts to minimize bird and bat impacts by the proposed project are identified in the Avian and Bat Protection Plan (ABPP), which is audited and updated over the operational life of the project. These potential impacts are addressed in special condition 7.5.1 Operational Phase Fatality Monitoring, special condition 7.5.2 Avian and Bat Protection Plan, special condition 7.5.3 Quarterly Incident Reports, special condition 7.5.4 Immediate Incident Reports, and special condition 7.5.5 Turbine Operational Curtailment of the efiled preliminary DSP.

Additionally, should the proposed project be permitted, constructed, and operated, EERA is responsible for permit compliance and the review of post-construction fatality survey data and analysis. EERA, along with DNR, will review post-construction fatality survey reports and determine if the project should implement one or multiple minimization measures, such as, operational turbine curtailment, use of acoustic deterrents at turbines, raised turbine cut-in speeds, and smart or informed curtailment.

Issue 12

The LSIC identified potential human impacts specific to the Big Bend Wind Farm include sleeplessness, headaches, stress, hearing problems, heart palpitations, anxiety, depression, property values and potential socioeconomic impacts. Public commentors also identified concerns about potential human impacts of the noise and shadow flicker on homes, businesses, houses of worship and parks within and adjacent to the project area. Comments were also received regarding the potential impacts of electromagnetic fields generated by the proposed project components.

There are conditions and special conditions in the efiled preliminary DSP that are intended to reduce potential human impacts of the proposed project. Condition 4.2 Residences, condition 4.3 Noise, condition 5.6.1 Safety Codes and Design Requirements, special condition 7.2 Shadow Flicker, and special condition 7.4 Noise Studies.

Issue 13

The LSIC stated potential concerns with the proposed projects impacts to local utilities and infrastructure due to ground disturbance, increase heavy machinery, increased construction traffic, and road closures, and adjustments and maintenance of other utilities, gas, phone, water, and sewer.

There are conditions and special conditions in the efiled preliminary DSP that are intended to reduce and avoid potential impacts of the proposed project. Condition 5.3 Construction and Operation Practices, condition 5.3.4 Public Services and Public Utilities, condition 5.3.13 Public Roads, condition 5.3.14 Turbine Access Roads, and condition 5.3.15 Private Roads, condition 5.3.17 Interference, condition 5.3.25 Damages, condition 5.3.26 Public Safety, and condition 5.6.1 Safety Codes and Design Requirements.

Issue 14

A couple of the public commentors indicated concerns of the proposed project impacting the viewshed for individuals using the native prairie habitat on the Red Rock Ridge, and indicated that the native prairie areas are cultural resources identified as native prairie habitats, as defined in MN Statute 84.02, and are protected because of their rarity and the importance of the habitat type from an ecological perspective, they aren't protected generally as cultural resources or visual resources. The presence of native prairie, or any other habitat type, does not warrant permit conditions or setbacks to preserve the users' visual experience. Native prairie areas are protected from physical impacts that could result from project construction, maintenance, and decommissioning activities. Identified native prairie habitats are provided protections under section 4.7 Native Prairie of the preliminary DSP.

Issue 15

One public commentor identified potential species specific impact concerns that could be associated with the proposed Big Bend Wind Farm; the long-legged upland sandpiper, Dakota skipper, Henslow's sparrow, burrowing owl, loggerhead shrike, king rail, Poweshiek skipperling, Wilson's phalarope, trumpeter swan, common gallinule, marbled godwit, Bell's vireo, Forster's tern, purple martin, and bald eagles. EERA will evaluate these potential impacts in the EA.

The project applicant is required to conduct a minimum of two years of post-construction fatality monitoring for birds and bats once the project becomes operational. Additionally, efforts to minimize bird and bat impacts by the proposed project are identified in the Avian and Bat Protection Plan (ABPP), which is audited and updated over the operational life of the project. Additionally, the Applicant has coordinated with DNR on identifying State threatened

and endangered species that will potentially be impacted by the construction and operation of the proposed project. To-date, the DNR has identified specific concerns with the construction of the proposed project, and how that may impact the Henslow's sparrow. EERA will evaluate potential project impacts to the Henslow's sparrow and assess potential mitigation measures.

Species specific impact concerns may be addressed in special condition 7.5.1 Operational Phase Fatality Monitoring, special condition 7.5.2 Avian and Bat Protection Plan, special condition 7.5.3 Quarterly Incident Reports, special condition 7.5.4 Immediate Incident Reports, and special condition 7.5.5 Turbine Operational Curtailment of the attached PDSP. Additionally, based on its impact assessment EERA may recommend mitigation measures and special conditions if appropriate, for the ALJ and the Commission to consider for inclusion in the final Site Permit, should one be issued.

Issue 16

One public commentor indicated that the proposed projects should support the restoration and health of the Watonwan River and the work done by Watonwan River One Water One Plan, and recommended the project proponent implement mitigation measure of wetland basin restoration to create habitat and benefit the Watonwan River. The commentor also identified potential impacts to river health that are included in the watershed management plan; land use change that results in the loss of vegetation cover, lack of recreational access and connectivity, and terrestrial invasive species. The commentor indicated that the Applications don't mention how the project proponent will avoid spreading invasive species during construction, and only mentions management after the fact.

EERA will evaluate these issues in the EA. Various sections, conditions, and special conditions of the preliminary DSP may address these potential project related impacts; section 4.5 Public Lands, section 4.6 Wetlands, section 4.7 Native Prairie, condition 5.3.7 Soil Erosion and Sediment Control, condition 5.3.8 Wetlands and Water Resources, condition 5.3.9 Vegetation Removal, condition 5.3.11 Invasive Species, condition 5.3.12 Noxious Weeds, condition 5.3.21 Equipment Storage, condition 5.3.22 Restoration, condition 5.3.23 Cleanup, condition 5.3.24 Pollution and Hazardous Waste, and condition 5.6.2 Other Permits and Regulations. Additionally, based on its impact assessment EERA may recommend mitigation measures and special conditions if appropriate, for the ALJ and the Commission to consider for inclusion in the final Site Permit, should one be issued.

EERA Staff Recommendations

EERA recommended that the Commission issue a DSP for the Big Bend Wind Farm and submits the attached preliminary DSP for consideration. The preliminary DSP includes maps of anticipated turbine placements and access roads. This map may be updated based on additional data entered into the record following issuance of the DSP, including additional information on final turbine type selection. Final permit conditions will also be open for discussion through the hearing by the Commission on issuing a final Site Permit.

Following its earlier recommendations, EERA staff recommended that the Commission request a full ALJ report including findings and recommendations, when it refers the matter to the OAH.

VII. Staff Analysis

Staff has reviewed EERA's comments and recommendations, its proposed DSP, as well as the comments received during the information meeting and subsequent comment period for this matter. With respect to the written public comments received directly by the Commission from some local residents opposed to the project, staff believes those concerns have been properly addressed in the EERA's May 21 and June 3 comments, as they are similar to the comments received at the public meeting on April 1, 2021.

With respect to the EA scoping process, staff agrees with the EERA's proposed system alternatives as identified in its May 21, 2021 comments for inclusion in the Scoping Decision.

Staff finds the preliminary DSP put forth by EERA, including the proposed special permit conditions and edits to draft permit template, as reasonable and appropriate, and recommends the Commission issue the DSP.

Lastly, staff reiterates that the authorization of a DSP is a preliminary step in the LWECS site permit application review process. Upon issuance of a DSP, a comment period of not less than 30 days provides the public an opportunity for additional comment on the conditions contained in the DSP. In addition, two public hearings (in-person and remotely) will be held on or around December 13, 2021 at which members of the public can again comment on the preliminary DSP. Proper notification for the public hearings will be made closer to the hearing dates. As provided in Minn. R. 7854.0800, subp. 2, the issuance of a DSP does not authorize construction of an LWECS, and the Commission may change the DSP before final issuance or may deny the site permit.

VIII. Decision Options

A. Environmental Assessment Scoping and Alternatives Decision

1. Take no action.
2. Propose additional system alternatives for the Big Bend Wind/Red Rock Solar hybrid project.
3. Propose additional route alternatives or route segment alternatives for the transmission line.
4. Propose site alternatives for the solar project.

B. Should the Commission issue a preliminary draft site permit for the Big Bend Wind Project?

1. Issue the draft site permit proposed by the Department of Commerce.
2. Deny the issuance of a draft site permit for the Big Bend Wind Project.
3. Take some action deemed more appropriate.
4. Authorize Commission staff to modify the draft site permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

Staff Recommendation: A1, B1, and B4