

October 19, 2020

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Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota

In the Matter of the Application of Buffalo Ridge Wind Energy, LLC for a Certificate of Need for the 109 MW Large Wind Energy Conversion System in Lincoln County, Minnesota

OAH 82-2500-36550

MPUC IP-7006/WS-19-394

MPUC IP-7006/CN-19-309

Dear Mr. Seuffert:

Department of Commerce Energy Environmental Review and Analysis (EERA) staff has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (report) issued by Administrative Law Judge Barbra J. Case (ALJ) for the Buffalo Ridge Wind Project dockets identified above. The report provides a comprehensive analysis of the record: however, EERA does have one exception (correction/addition) to the report regarding site permit section 11.1 [Decommissioning Plan] at Finding 274.

On September 4, 2020, EERA submitted a letter to the ALJ (see eDockets# [20209-166418-01](#)) that discussed proposed site permit language modifications to the Draft Site Permit (DSP). EERA noted that the proposed third paragraph in section 11.1 of the site permit [Decommissioning Plan] was inadvertently omitted. That paragraph reads as follows:

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.

The ALJ report included EERA's proposed site permit recommendations to the DSP; however, the above proposed paragraph was not included. EERA believes this omission was a minor oversight and recommends the above language be included as the last paragraph in Finding 274 in the ALJ report and site permit, if issued by the Commission.

EERA staff concurs with the recommendation of the ALJ for issuance of a Site Permit to Buffalo Ridge Wind, LLC to construct and operate the up to 108.9 MW Buffalo Ridge Wind Project in Lincoln and Pipestone Counties. EERA recommends that the issued Site Permit contain the conditions as set forth in the ALJ report's Findings of Fact and Conclusions of Law, with the above-noted addition to Finding 274.

EERA staff is available to answer any questions you may have.

Sincerely,

/S/ Larry B. Hartman

Larry B Hartman
Environmental Review Manager
Energy Environmental Review and Analysis

cc: Louise Miltich, Energy Environmental Review and Analysis
Ray Kirsch, Energy Environmental Review and Analysis