

## Staff Briefing Papers

Meeting Date June 23, 2022 Agenda Item \*1

Company Buffalo Ridge Wind, LLC

Docket No. **IP-7006/WS-19-394**

**In the Matter of the Application of Buffalo Ridge Wind, LLC  
for a Site Permit for the 109 MW Large Wind Energy  
Conversion System in Lincoln and Pipestone Counties,  
Minnesota**

- Issues
1. Should the Commission approve Buffalo Ridge Wind's request for a Limited Wind Access Buffer waiver for Xcel Energy's property?
  2. Should the Commission impose any additional permit conditions?

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### Relevant Documents

### Date

Commission Order Granting Certificate of Need and Issuing Site Permit	January 5, 2021
BRW Petition to Amend Site Permit	January 28, 2022
Commission Order Approving Project Modifications and Site Permit Amendments as Proposed by BRW	April 5, 2022
BRW Request for Limited Wind Access Buffer Waiver	April 13, 2022
Commission Notice of Comment Period on Wind Access Buffer	April 20, 2022
DOC EERA Comments and Recommendations	April 28, 2022
BRW Reply Comments	April 28, 2022

### Attachments

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](mailto: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 approve Buffalo Ridge Wind's request for a Limited Wind Access Buffer waiver for Xcel Energy's property?
2. Should the Commission impose any additional permit conditions?

**II. Project Description**

The permitted Buffalo Ridge Wind Project is a 106 megawatt (MW), 40-turbine Large Wind Energy Conversion System (LWECS) and associated facilities located in Lincoln and Pipestone County, Minnesota first permitted by the Commission on January 5, 2021. On April 5, 2022, the Commission amended the site permit and approved some project modifications as proposed by Buffalo Ridge Wind, LLC and supported by the Department of Commerce Energy Environmental Review and Analysis (DOC EERA or EERA).

**III. Procedural History**

On January 5, 2021, the Commission issued an Order Granting a Certificate of Need and Issuing a Site Permit to Buffalo Ridge Wind, LLC (BRW or Permittee) for the 109 MW Buffalo Ridge Wind Project.

On January 28, 2022, BRW filed a petition to amend the site permit to reflect (1) a change in turbine technology, (2) a change in the location of the Project collector substation; and (3) the addition of a short (less than 1,500 feet in length) 115 kilovolt (kV) generation-tie line resulting from the relocation of the collector substation.

On April 5, 2022, the Commission issued an Order Approving Project Modifications and Site Permit Amendments for the Buffalo Ridge Wind Project.

On April 13, 2022, BRW filed a petition requesting a limited wind access buffer waiver for the Xcel Energy property that includes the interconnection substation for the project.

On April 20, 2022, the Commission issued a notice of comment period on BRW's Wind Access Buffer waiver petition.

On April 28, 2022, DOC EERA filed comments and recommendations, including a proposed site permit amendment.

On April 28, 2022, BRW submitted reply comments.

#### **IV. Statutes and Rules**

**Permit Amendment.** Under Minn. Rules 7854.1300, Sub. 2, the commission may amend a site permit for an LWECs at any time if the commission has good cause to do so.

#### **V. Permit Amendment Request**

On April 13, 2022, Buffalo Ridge Wind, LLC filed a petition requesting a limited waiver of the Wind Access Buffer setback requirement set forth in Section 4.1 of the Site Permit issued to BRW. Section 4.1 provides that “wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.”

Pursuant to Section 4.1, BRW requested the Commission find good cause to grant the waiver of the Wind Access Buffer setback with respect to one parcel owned by Northern States Power Company d/b/a Xcel Energy (“Xcel Energy”), which is currently leased to a tenant for farming operations. The Permittee provided a map showing that the waiver would apply to wind turbines 15 and 26, which are within the Wind Access Buffer of the Xcel Energy property at issue. Xcel Energy indicated that it does not object to the Commission granting the requested waiver and provided a signed affidavit attesting to their position.

#### **VI. Comments on the Applicant’s Petition**

On April 20, 2022, the Commission issued a notice of comment period on the petition for wind access buffer waiver requesting comments by April 27, 2022, and reply comments by May 3, 2022.

On April 27, 2022, the DOC EERA provided comments on Buffalo Ridge Wind’s petition. EERA staff explained that it had reviewed the information provided by Buffalo Ridge Wind and recommended that it would be more appropriate to treat the waiver petition as a request to amend the Site Permit (permit amendment). EERA staff believed that such amendment is warranted and recommended the Commission grant the wind access buffer waiver for Xcel Energy’s property. Since the location of the turbines and any associated project facilities, which were reviewed in the permitting proceeding, are not changing, EERA indicated that granting the limited exception to the wind access buffer will not result in environmental or human impacts.

EERA staff provided proposed permit amendment language at Section 4.1 as follows:

#### 4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to **turbines 15 and 26, solely with respect to Xcel Energy's substation property, and** public roads and trails.

On April 28, 2022, Buffalo Ridge Wind filed reply comments in response to the EERA's comments indicating that it supports EERA's recommendation to handle this request via a permit amendment. BRW indicated that it characterized its initial request as a waiver – rather than an amendment – due to the fact that the language of Section 4.1 of the Site Permit provides that Commission may approve an exception to the Wind Access Buffer. However, BRW recognized that there is merit to ensuring that a Site Permit fully sets forth all rights and obligations of BRW in a single document available to all interested stakeholders. BRW also confirmed that granting the waiver does not impact the location of any Project facilities and will not result in environmental or human impacts.

There were no other comments received.

### VII. Staff Discussion

#### 1. Limited Wind Access Buffer Waiver Request

Staff has reviewed BRW's request for a limited wind access buffer setback waiver for Xcel Energy's property and agrees with the EERA that it is more appropriate for this petition to be treated as a request to amend the Site Permit (permit amendment). Staff also agrees with EERA that because of the location of the turbines and any associated project facilities, which were reviewed in the permitting proceeding, are not changing, granting the limited exception to the wind access buffer will not result in any new environmental or human impacts. **Staff notes** that this is the first request for a wind access buffer waiver by a new project, as opposed to a repowering project. The record does not contain any issues or concerns related to this specific request.

Staff recognizes that the language of Section 4.1 of the Site Permit provides that the Commission may approve an exception to the Wind Access Buffer. Staff believes this request would be better treated as a permit amendment. Therefore, staff recommends that the Commission approve Buffalo Ridge Wind's wind buffer setback waiver and reissue an amended site permit.

#### 2. Site Permit Amendment

Staff agrees that the proposed amended permit language proposed by EERA for Section 4.1 (as restated below) is reasonable and provides clarification of the requested change. Staff proposes the amended Section read as follows:

*4.1 Wind Access Buffer*

*Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to turbines 15 and 26, solely with respect to Xcel Energy's substation property, and public roads and trails.*

No other changes to the permit are proposed

## VIII. Decision Options

### Buffalo Ridge Wind Limited Wind Access Buffer Waiver

1. Approve the amendment to Section 4.1 of the Buffalo Ridge Site Permit as proposed by the EERA and allow for a Limited Wind Access Buffer waiver for Xcel Energy's property. (EERA)
2. Deny a Limited Wind Access Buffer waiver for the Xcel Energy property.

### Revised Site Permit Language

3. Revise Site Permit Section 4.1 to read:

#### 4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to turbines 15 and 26, solely with respect to Xcel Energy's substation property, and public roads and trails. (EERA)

### Administrative Consistency

4. Authorize Commission staff to make refinements to the permit conditions or language as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision on this matter. (Staff)

**Staff Recommendation:** 1, 3, and 4