



414 Nicollet Mall
Minneapolis, MN 55401

May 25, 2021

VIA ELECTRONIC FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

Re: In the Matter of the Application for an Amendment to Site Permit to Repower the 201 MW Nobles Wind Farm in Nobles County, Minnesota
MPUC Docket No. IP-6646/WS-09-584
Reply Comments

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy (“Xcel Energy”), appreciates this opportunity to respond to public comments submitted during the Minnesota Public Utilities Commission (“Commission”) initial comment period in the above-captioned docket regarding its Application for Site Permit Amendment (“Amendment Application”) to Repower the 201 MW Nobles Wind Farm in Nobles County, Minnesota (“Project”).

Agency Comments

Minnesota Department of Transportation

The Minnesota Department of Transportation (“MnDOT”) submitted written comments addressing a number of aspects of Project design and construction.¹ MnDOT stated that it believed that the increased height should be taken into consideration if any existing turbines were in close proximity to a state trunk highway right-of-way. Xcel Energy has confirmed that all turbines are more than 250 feet from all roads, with the closest located 315 feet from a road (township or county). The closest state trunk highway to the Project Area is MN-91 located three miles west.

MnDOT also recommended that, if changes are made to the collection system, crossings of the state trunk highways should be consolidated. As stated in the Amendment Application, Xcel Energy is not proposing any changes to the existing collection system.²

¹ MnDOT Comments (May 10, 2021), eDockets ID No. [20215-174004-01](#).

² Amendment Application at 2 and 18.

As requested, Xcel Energy will engage in early coordination with MnDOT regarding construction projects in the area to ensure delivery routes of oversize loads consider any such projects.

Finally, MnDOT notes that it will not issue any permits until after the Commission has approved an amended Site Permit for the Project. On other Minnesota energy projects, Xcel Energy or its contractors have seen a mismatch between the timing of certain transportation-related permits and the start of construction, due in part to agency preference and in part to the timing of equipment deliveries.³ As currently written, Section 5.6.2 of the Draft Site Permit requires that the Permittee obtain and comply with all required permits and submit a detailed schedule of all required permits, including the status and anticipated issuance date of those permits. It then *also* requires the Permittee to submit an affidavit prior to construction indicating that all necessary permits have been issued.

To avoid a situation where construction is unnecessarily delayed on the Project due to the sequencing of agency decisions, Xcel Energy respectfully requests the separate affidavit requirement be removed from Section 5.6.2. This requirement unnecessarily puts belts and suspenders on the existing requirements in Section 5.6.2 and has the potential to create unnecessary delays in the start of construction under the scenario where ancillary permits not needed to start construction have not yet been issued. The proposed revision to Section 5.6.2 is as follows:

5.6.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. At least 14 days prior to the pre-construction meeting, the Permittee shall submit a filing with a detailed status update of all permits, authorizations, and approvals that have been applied for specific to the project. The detailed status update shall include the permitting agency or authority, the name of the permit, authorization, or approval being sought, contact person and contact information for the permitting agency or authority, brief description of why the permit, authorization, or approval is needed, application submittal date, and the date the permit, authorization, or approval was issued or is anticipated to be issued.

³ See, e.g., *In the Matter of the Application of Blazing Star Wind Farm 2, LLC for a Site Permit for the up to 200 MW Blazing Star 2 Wind Project in Lincoln County, Minnesota*, MPUC Docket No. IP-6985/WS-17-700, Compliance Filing (March 6, 2020), eDockets ID No. [20203-161035-01](#); Pre-Construction Meeting Summary Notes (March 31, 2020), eDockets ID No. [20203-161655-01](#); and Pre-Construction Compliance Review Clarification (April 16, 2020), eDockets ID No. [20204-162153-01](#).

~~The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such, prior to commencing project construction.~~ The Permittee shall provide a copy of any such permits, authorizations, and approvals upon Commission request.

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.

Minnesota Department of Natural Resources

The Minnesota Department of Natural Resources (“MDNR”) provided written comments regarding minimization of potential impacts to Topeka shiner, a federally-listed endangered species and state-listed special concern fish species, and clarification regarding MDNR permitting requirements.⁴

As it relates to Topeka shiner, MDNR recommended a permit condition that requires avoidance of upstream crossings of the East Branch of Kanaranzi Creek during spawning season (May 15 – August 15) if streamflow is present. As noted in its Amendment Application, Xcel Energy committed to avoiding crane paths and construction workspaces within suitable Topeka shiner streams and designated critical habitat, including the East Branch of Kanaranzi Creek.⁵ Further, Xcel Energy committed to implementing the following measures to prevent sedimentation from the USFWS’ *Recommendations for Construction Projects Affecting Waters Inhabited by Topeka Shiners in Minnesota (Revised November 18, 2016)*⁶ (“USFWS Topeka Shiner Recommendations”):

- Follow all applicable requirements and BMPs for stormwater and erosion control.
- In non-cropland areas, Xcel Energy will mulch areas of disturbed soils and reseed promptly with native species.
- Implement appropriate erosion and sediment prevention measures to the maximum extent practicable. Inspect devices frequently to ensure that they are effective and in good repair, especially after precipitation.⁷

Xcel Energy notes that these USFWS best management practice (“BMP”) recommendations are specific to Topeka shiner inhabited streams, not upstream tributaries. Regardless, Xcel Energy has

⁴ MDNR Comments (May 10, 2021), eDockets ID No. [20215-174021-01](#).

⁵ Amendment Application at 63, 66 and 77.

⁶ Available at:

<https://www.fws.gov/midwest/endangered/section7/s7process/fish/TOSHConstructionGuidelinesMN18Nov2016.pdf> (last visited May 17, 2021).

⁷ Amendment Application at 77-78.

also committed to matting all crane paths and will use temporary span bridges, as necessary, for waterbody crossings, including upstream tributaries even though they are not part of the designated critical habitat. Both of these mitigative measures will minimize potential soil disturbance and sedimentation. As previously mentioned, Xcel Energy has designed crane paths to avoid Topeka shiner habitat. Similarly, crane path crossings of upstream tributaries have generally been designed to follow agricultural practices, culverted access roads, and existing farm crossings. These USFWS BMPs have been successfully implemented at other Minnesota repower projects to avoid Topeka shiner impacts.⁸

Xcel Energy's implementation of the USFWS recommendations and its design considerations for crane paths at upstream tributaries across the Project achieve the same goal as MDNR's recommended permit condition prohibiting crane crossings during May 15 – August 15, but in a way that allows construction to proceed in an efficient manner. The condition proposed by MDNR could potentially impact as many as three crane crossings. As the Commission is aware, the period from May 15 – August 15 is in the heart of Minnesota's relatively brief summer construction season. A prohibition on crane crossings at these locations could potentially extend the period of construction, increase the number of crane tear downs or reroutes, and increase construction costs.

Again, Xcel Energy is committed to constructing the Project in a manner that avoids impacts to the Topeka shiner. The USFWS, the agency charged with protection of this federally-listed endangered species, does not prohibit work in upstream tributaries. Instead, they require a number of BMPs listed in the 2016 USFWS Topeka Shiner Recommendations. Recognizing this, in another recent repower project with the potential for Topeka shiner impacts, the Commission required the following special condition:

6.3 Endangered Species

The Permittee must follow U.S. Fish and Wildlife Service's Recommendations for Projects Affecting Waters Inhabited by Topeka Shiners (2016) for avoiding and minimizing impacts for Topeka shiners. The summary of recommendations for avoiding and minimizing impacts to these populations must be made available to all contractors and its employees.⁹

⁸ See Order Approving Site Permit with Conditions, *In the Matter of a Site Permit Amendment to Repower the 30 MW Community Wind North Large Wind Energy Conversion System and Associated Facilities in Lincoln County*, MPUC Docket No. IP-6712/WS-08-1494 (Sept. 25, 2019); Order Approving Site Permit Amendment and Requiring Report, *In the Matter of the Stoneray Power Partners, LLC Petition for Amendment of the Stoneray Project Site Permit in Pipestone and Murray Counties*, MPUC Docket No. IP-6646/WS-13-216 (Jan. 26, 2018).

⁹ Order Approving Amended Site Permit with Conditions, *In the Matter of a Site Permit Amendment to Repower the 30 MW Community Wind North Large Wind Energy Conversion System and*

Xcel Energy shared this proposed permit language with USFWS and MDNR. USFWS responded that it did not have any other suggestions or concerns at this time (*see Attachment 1*). Xcel Energy requests that the Commission decline to include the seasonal restriction language for upstream crossings suggested by the MDNR and instead include a special condition requiring implementation of the USFWS Topeka Shiner Recommendations, as it has for other projects.

Finally, MDNR also noted that Table 12-1 of the Amendment Application included the potential for a MDNR Public Water Works Permit and a License to Cross Public Waters. Xcel Energy included both permits as potentially required, pending final design. Given that no relevant changes to the collection system are being proposed, Xcel Energy agrees that a Public Water Works permit will be required for crane crossings, but that a License to Cross Public Waters will not be required.

Other Comments

In addition to agency comments, a number of individuals provided comments either during the public meeting or through written comments. Xcel Energy appreciates the public involvement in the process and provides the following responses to the substantive comments.

During the public meeting, Mr. Gary Kleve noted that he had signed a participation agreement but wondered when payment would be made.¹⁰ A land agent followed up with Mr. Kleve after the meeting with details regarding payment timing under his agreement.

Mr. Robert Schreiber provided a written comment expressing concerns regarding potential noise, health, and property value impacts related to the Project.¹¹ Mr. Schreiber's residence at 26586 200th Street, Reading, Minnesota, is labeled as residence number R-101 in the Amendment Application (*see Attachment 2*). As stated in the Noise Report, expected sound levels at this residence are modeled at 42 dB(A) with the current project, and modeled sound levels are unchanged by the Project.¹² Accordingly, expected noise impacts are well-below the Minnesota Noise Standard.

Associated Facilities in Lincoln County, MPUC Docket No. IP-6712/WS-08-1494 (Sept. 25, 2019). The Order also attached the fact sheet of recommendations for avoiding and minimizing impacts for Topeka shiners. Additional guidance on consultation with the U.S. Fish and Wildlife Service can be found at: <https://www.fws.gov/midwest/endangered/section7/s7process/index.html>.

¹⁰ Public Meeting Transcript (April 29, 2021) at 35-39.

¹¹ Robert Schreiber Comment (April 22, 2021), eDockets ID No. [20215-173855-01](#).

¹² Amendment Application, Appendix E.

Regarding potential property value impacts, the Commission has evaluated the potential property value impacts numerous times and concluded that there is no evidence of negative property value impacts from nearby wind farms.¹³

Ms. Patricia Johnson also provided written comments.¹⁴ She expressed concern regarding the location of the turbine in the NW corner of Section 5 in Dewald Township. Xcel Energy notes there is not a turbine in the NW corner of Section 5 of Dewald Township and assumes the turbine in question is in the SW corner of Section 32 of Summit Lake Township. This turbine is labeled as Turbine No. 110 in the Amendment Application. It appears her concern relates to whether this turbine was constructed in compliance with all existing setback requirements. Xcel Energy reviewed this location and confirmed it complies with all required setbacks (*see Attachment 3*). As Ms. Johnson notes, it is one of the turbines for which Xcel Energy is requesting a waiver of the wind access buffer setback as part of the repower proposal. Regarding Ms. Johnson's concerns that, if repowered, she may not be able to construct a home on her property due to potential Project impacts, Xcel Energy is unaware of any current construction plans on this property. Additionally, given that the nearest turbine is over 0.25-miles away from the edge of her parcel, Xcel Energy is confident that any future home site built in the SW 1/5, Section 5 of Dewald Township would experience wind turbine noise less than the Minnesota Noise Standard. Xcel Energy continues to request a wind access buffer setback waiver for this turbine.

Ms. Judy Christians also submitted a written comment expressing concern that the proposed change in the Project boundary could adversely affect the compensation Xcel Energy pays to landowners in these areas.¹⁵ As noted in the Application, no wind turbines or Project facilities are located on these parcels. It is common for projects to retain wind rights adjacent to or outside of a project boundary where they are needed for wind access buffer setbacks. In this case, the change in Project boundary does not have any impact on the status of participating landowners.

¹³ See Order Issuing Site Permit and Taking Other Action, *In the Matter of Freeborn Wind Energy, LLC for a Large Wind Energy Conversion System Site Permit for the 84 MW Freeborn Wind Farm in Freeborn County*, MPUC Docket No. IP-6946/WS-17-410 (Dec. 19, 2018) (approving and adopting, with modifications, the Findings of Fact, Conclusions of Law, and Recommendations of the administrative law judge, including Finding 174 that the “preponderance of the evidence is that proximity to a wind turbine does not negatively affect property values.”); Final Environmental Impact Statement at 96-98, *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Site Permit to Construct a 414 MW Large Wind Energy Conversion System in Cottonwood, Murray and Redwood Counties, Minnesota*, MPUC Docket No. IP-6997/WS-18-700 (April 12, 2021) (summarizing research finding no evidence of negative impacts on property values due to the proximity of wind farms).

¹⁴ Patricia Johnson Comments (April 27, 2021), eDockets ID Nos. [20214-173436-01](#), [20214-173442-01](#) and [20214-173425-01](#).

¹⁵ Judy Christians Public Comment (May 7, 2021), eDockets ID No. [20215-174069-01](#).

Finally, two commentors from the Laborers' International Union of North America ("LIUNA") provided comments supporting the Project, noting the public positive economic benefits.¹⁶ Xcel Energy appreciates these comments and agrees the Project has the potential to create significant and long-lasting positive economic benefits through high-quality union construction jobs.

Draft Site Permit

The Draft Site Permit contains Special Condition 6.2, Microwave Beam Interference. The language of this special condition prohibits the repower of Turbine 21 due to potential interference with a county-designated microwave beam path. Xcel Energy subsequently discussed this condition with DOC-EERA and believes it was included in the Draft Site Permit in error.

As discussed in Section 8.6.4.1, Section 8.6.4.2, and Appendix G of the Amendment Application, Minnesota Valley Television Improvement Corporation ("MVTIC") and MNDOT have developed beam path signals (Fresnel zones) through the Project Area that are close to or intersect the rotor swept area of existing turbines. As a result, Xcel Energy enlisted Capital Airspace Group's assistance to complete a three-dimensional interference analysis of the new beam paths relative to existing and proposed rotor diameters. The results of this analysis indicate the potential for signal interruptions from longer rotors and a larger rotor-swept area are included in Appendix G of the Amendment Application. MNDOT confirmed the state agency developed the beam paths after the Project became operational, and, because of this, included diversity links (stacked signals) as redundancy. MNDOT also indicated repowering with longer blades may cause some degradation to the signal, but is not anticipated to impact the operability of the link due to the diversity link redundancy. MVTIC is in the process of reviewing the Project; similar to the MNDOT beam path, the longer rotors may cause signal degradation but are not anticipated to impact the operability of the link.

Based on coordination with MNDOT and MVTIC, Xcel Energy does not anticipate impacts to microwave beam path signals as a result of the Repower Project. Both beam path owners developed the beam paths through the Project Area after the Project became operational in 2010. While the signals may have minor disruption depending on the orientation of the turbine relative to the beam path, the disruption is not anticipated to impact operability of the links. Furthermore, MNDOT has implemented signal redundancy measures to mitigate any potential impacts and ensure microwave signals are not degraded. As discussed above, MVTIC is reviewing the Repower Project; Xcel Energy will work with MVTIC to address unanticipated impacts.

Xcel Energy respectfully requests that Special Condition 6.2 be removed from the final site permit.

¹⁶ Public Meeting Transcript (April 29, 2021) at 33-35 and LIUNA Public Comment (May 10, 2021), eDockets ID No. [20215-174031-01](#).

Mr. Will Seuffert
May 25, 2021
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Conclusion

Thank you for the opportunity to provide this additional information. A copy of this filing is also being served upon the persons on the Official Service List of record. Please contact me at matthew.a.langan@xcelenergy.com if you have any questions.

Sincerely,

/s/ Matt Langan

Matt Langan
Principal Agent, Siting and Land Rights
Xcel Energy

Attachment 1 – USFWS Correspondence (May 18, 2021)
Attachment 2 – Landowner Map for Mr. Robert Schreiber
Attachment 3 – Landowner Map for Ms. Patricia Johnson

From: Schindler, Kathleen D <Kathleen.Schindler@xcelenergy.com>
Sent: Thursday, May 13, 2021 5:00 PM
To: Marsh, Dawn S <dawn_marsh@fws.gov>
Cc: Langan, Matthew A <Matthew.A.Langan@xcelenergy.com>
Subject: [EXTERNAL] Nobles Wind Repower - Topeka Shiner Recommendations

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Ms. Marsh,

As you may be aware, Xcel Energy is seeking a site permit amendment to repower the existing Nobles Wind Farm in Nobles County, Minnesota. The wind farm is located in close proximity to the East Branch of Kanaranzi Creek, which is designated as critical habitat for the federally endangered Topeka shiner. Xcel Energy has committed to avoiding crane paths and construction workspaces within suitable Topeka shiner streams and designated critical habitat, including the East Branch of Kanaranzi Creek. Based on recent feedback from the Minnesota DNR, Xcel Energy believes that the Commission may adopt a special site permit condition related to the Topeka shiner. We would greatly value any feedback you might have regarding our thoughts outlined below on an appropriate permit condition for protection of the species.

As stated above, there will be no direct impacts to the East Branch of Kanaranzi Creek from the project repower. Xcel Energy is implementing best management practices to prevent erosion and sedimentation, as well as matting all crane paths and using temporary span bridges, as necessary, for waterbody crossings. Further, Xcel Energy has committed to implementing the USFWS' *Recommendations for Construction Projects Affecting Waters Inhabited by Topeka Shiners in Minnesota (Revised November 18, 2016)*. We believe these measures will be effective at preventing any potential impacts to the East Branch of Kanaranzi Creek and its upstream tributaries.

A recent example of a special site permit condition that relates to the Topeka shiner is found in the amended site permit for the Community Wind North Wind Farm, and reads as follows: "The Permittee must follow U.S. Fish and Wildlife Service's Recommendations for Projects Affecting Waters Inhabited by Topeka Shiners (2016) for avoiding and minimizing impacts for Topeka shiners. The summary of recommendations for avoiding and minimizing impacts to these populations must be made available to all contractors and its employees."

Xcel Energy believes that similar special condition language would be appropriate for the Nobles Wind Farm repower project. By both completely avoiding the East Branch of Kanaranzi Creek and implementing the USFWS Topeka shiner recommendations, potential impacts to the Topeka shiner would be minimized, if not eliminated. We would greatly appreciate any feedback you could provide on our suggested approach. We would also be happy to set up a call to discuss if it would be useful.

Thank you in advance for your time and attention on this matter.

Kate Schindler

Xcel Energy

Environmental Analyst

414 Nicollet Mall, 2nd Floor, Minneapolis, MN 55401

P: 612.330.6743 C: 715.864.6864

E: kathleen.schindler@xcelenergy.com

XCELENERGY.COM

Please consider the environment before printing this email.

From: Marsh, Dawn S <dawn_marsh@fws.gov>

Sent: Tuesday, May 18, 2021 3:51 PM

To: Schindler, Kathleen D <Kathleen.Schindler@xcelenergy.com>

Cc: Langan, Matthew A <Matthew.A.Langan@xcelenergy.com>

Subject: Re: [EXTERNAL] Nobles Wind Repower - Topeka Shiner Recommendations

EXTERNAL - STOP & THINK before opening links and attachments.

Kate,

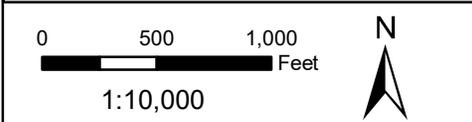
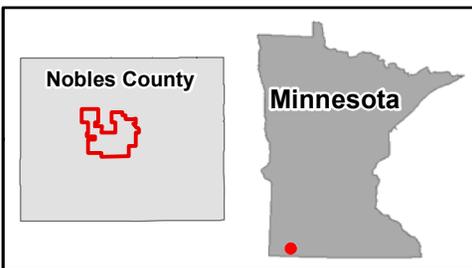
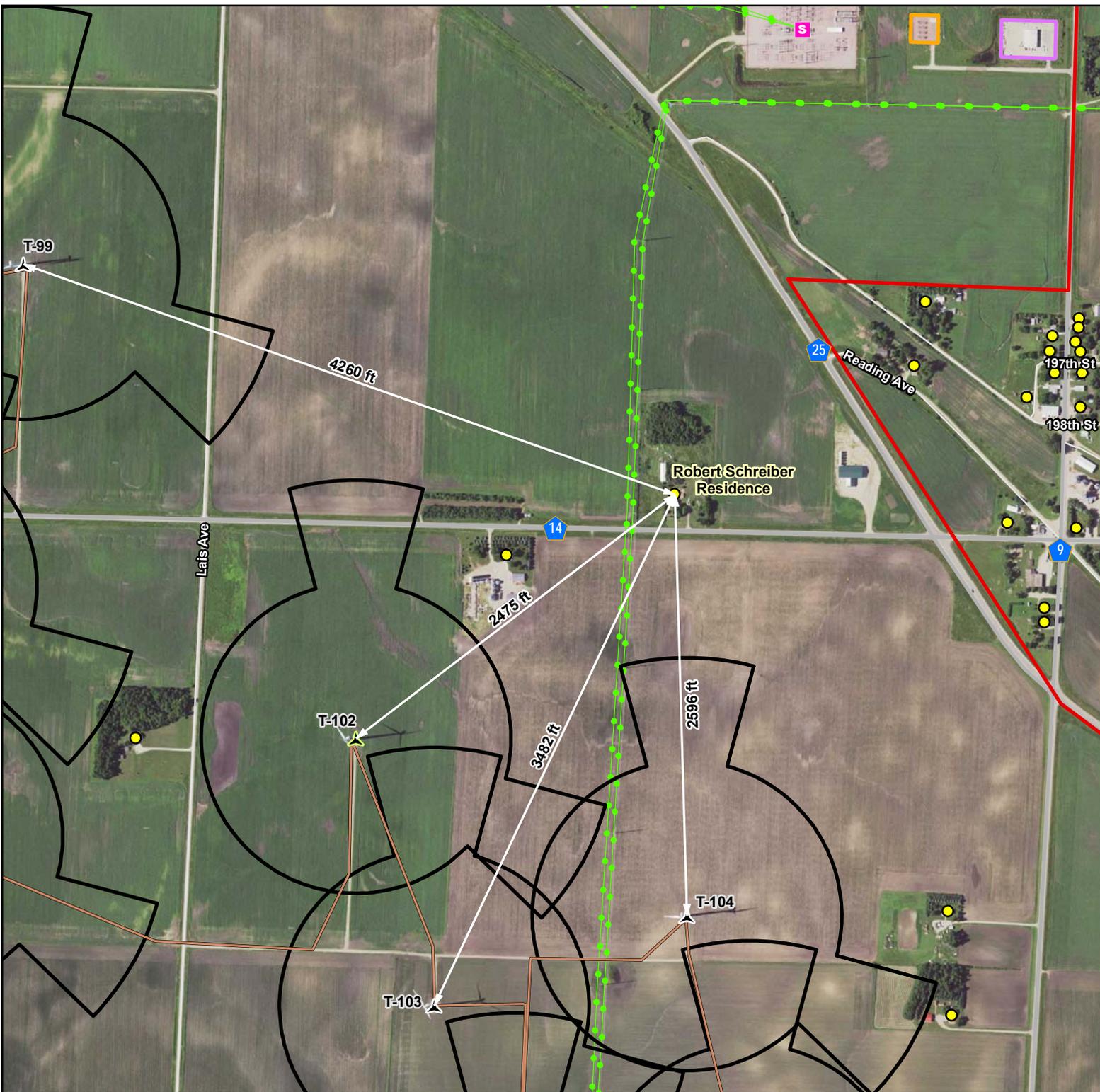
Thank you for the opportunity to review Xcel Energy's proposed Topeka shiner recommendations. We have no suggested changes or additional concerns at this time.

Please let me know if you have any questions.

Thank you!

Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425
Tel: (952) 252-0092 x 202*
*Teleworking - please email to schedule a call



- Turbine (91m rotor diameter)
- Turbine (97m rotor diameter)
- Residential Structure (within 1 mile of Project Area Boundary)
- Existing Substation
- Proposed Crane Path
- Project Boundary
- O&M Area
- Project Substation
- Wind Access Buffer
- Existing Transmission Line

Data Source: Xcel Energy, US Census, MDOT, USGS

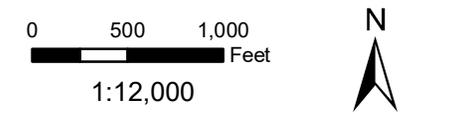
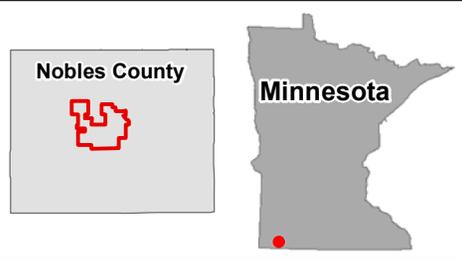
Landowner Map

Nobles Repower Project

Nobles County, Minnesota

Xcel Energy
RESPONSIBLE BY NATURESM

For Environmental Review Purposes Only



- Turbine (91m rotor diameter)
- Turbine (97m rotor diameter)
- Residential Structure (within 1 mile of Project Area Boundary)
- Proposed Crane Path
- Project Boundary
- Wind Access Buffer
- Setback
- Parcel Boundary
- PLSS Section

Data Source: Xcel Energy, US Census, MDOT, USGS

Landowner Map
Nobles Repower Project
Nobles County, Minnesota



For Environmental Review Purposes Only

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**In the Matter of the Application for an
Amendment to Site Permit to Repower the
201 MW Nobles Wind Farm in Nobles
County, Minnesota**

**MPUC Docket No.
IP-6646//WS-09-584**

CERTIFICATE OF SERVICE

Alicia P. Jones certifies that on the 25th day of May 2021, she e-filed the true and correct copy of Xcel Energy's Reply Comments via edockets (www.edockets.state.mn.us). Said document was also served as designated on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

/s/ Alicia P. Jones

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
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| Sharon | Ferguson | sharon.ferguson@state.mn.us | Department of Commerce | 85 7th Place E Ste 280 Saint Paul, MN 551012198 | Electronic Service | Yes | OFF_SL_9-584_Official Service List |
| Lucas | Franco | lfranco@liunagro.com | LIUNA | 81 Little Canada Rd E Little Canada, MN 55117 | Electronic Service | No | OFF_SL_9-584_Official Service List |
| Ian | Krygowski | Ian.Krygowski@edf-re.com | EDF Renewable Energy | 10 2nd Street, Ste 107 Minneapolis, MN 55413 | Electronic Service | No | OFF_SL_9-584_Official Service List |
| Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us | Office of the Attorney General-RUD | 1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131 | Electronic Service | Yes | OFF_SL_9-584_Official Service List |
| Will | Seuffert | Will.Seuffert@state.mn.us | Public Utilities Commission | 121 7th Pl E Ste 350 Saint Paul, MN 55101 | Electronic Service | Yes | OFF_SL_9-584_Official Service List |
| Lynnette | Sweet | Regulatory.records@xcelenergy.com | Xcel Energy | 414 Nicollet Mall FL 7 Minneapolis, MN 554011993 | Electronic Service | No | OFF_SL_9-584_Official Service List |