MINNESOTA
PUBLIC UTILITIES COMMISSION

January 6, 2026

VIA EDOCKETS

The Honorable Megan McKenzie
Court of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55164-0620

RE: EIP Reply Comments on Proposed Findings of Fact
Bent Tree North Wind Project
PUC Docket No. IP-7145/WS-24-349
CAH Docket No. 25-2500-41066

Dear Judge McKenzie:

Minnesota Public Utilities Commission (Commission), Energy Infrastructure Permitting (EIP) staff offers the following comments on the Bent Tree North Wind Project (project) proposed by Wisconsin Power and Light (WPL or Applicant).

In these comments EIP staff:

- Responds to hearing comments and proposed permit conditions,
- Responds to WPL's Proposed Findings of Fact, Conclusions of Law, and Recommendations (Bent Tree North Wind FOF).

Response to Hearing Comments

Minnesota Department of Natural Resources (DNR) Comments

In its December 2, 2025, comments, DNR identified that the project's Bird and Bat Conservation Strategy (BBCS) does not include a post-construction fatality monitoring plan, and they advised that the project should conduct post-construction fatality monitoring for a minimum of two days per week for two years. DNR also recommended the BBCS include discussion of adaptive management strategies that may be used if avian and bat fatalities are determined to be high. DNR expects the Applicant to work with DNR and Commission staff to reduce fatalities if the project fatality rates are considered high.

DNR requested a special condition in the site permit to require the Applicant to coordinate with the DNR regarding rare species, and to ensure compliance with state endangered species laws. DNR supports the current site permit special conditions regarding dust control, wildlife-friendly erosion control, facility lighting, and snowmobile trails.

EIP staff notes that the Draft Site Permit (DSP)[1] approved by the Commission includes conditions specific to post-construction fatality monitoring – specifically Section 7.5.1 Operational Phase Fatality

[1] PUC. Other – Draft Permit from September 10 Order. September 16, 2025. eDocket # 20259-223064-01.

Monitoring and 7.5.2 Avian and Bat Protection Plan. Staff believes that these standard permit conditions address DNR's concerns regarding post-construction fatality monitoring.

EIP staff recommends the addition of a special condition to address DNR's request for coordination to ensure the Applicant is compliant with state endangered species laws.

6.6 Compliance with State Endangered Species Law

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

Applicant Proposal of an Additional Turbine Model

The Applicant indicated to EIP staff they are considering a third turbine model that was not included in the initial Site Permit Application. Additional information on this third turbine model was included in the direct testimony of Mr. Marcus Galante.[2] Mr. Galante identified the Nordex 4.8 MW-N133 turbine as third turbine model being considered for the Bent Tree North Wind Project, in addition to the Vestas V136-112 and the Vestas V136-120 turbine models proposed in the Initial Site Permit Application.

EIP staff has reviewed the additional information provided for the Nordex N133. The Nordex N133 turbine total height, hub height, cut-in wind speed, and rotor speed (rpm) are the same as, or between the parameters of the Vestas V136-112 and Vestas V136-120. The Nordex N133 has a smaller rotor diameter and wind-swept area than both the Vestas V136-112 and the Vestas V136-120, and the Nordex N133 has a higher nameplate generation capacity (4.8 MW) versus the Vestas V136-112 (4.5 MW) and the Vestas V136-120 (4.5 MW).

The proposed Nordex N133 turbine would utilize the same proposed primary turbine locations for the Vestas V136-112 and Vestas V136-120 turbines. If primary turbine locations are ultimately used, no receptor are anticipated to exceed 30 hours of shadow flicker per year. If alternate turbine locations are used, eight receptors will receive over 30 hours of shadow flicker per year if the Nordex N133 or Vestas V136-120 are used.[3] Noise modeling conducted by the Applicant determined the two turbine models included in the Site Permit Application the highest predicted noise levels to be experienced at a receptor would be 45.5 dBA and 45.4 dBA, for Vestas V136-112 and Vestas V136-120 respectively. Noise modeling completed on the Nordex N133 turbine model anticipates 44.7 dBA to be the highest predicted noise level at a receptor.[4] All proposed primary and alternate turbine locations will comply with state noise standards for all three turbine models being considered.

Due to the higher nameplate generation capacity the Nordex N133 turbine would require two less turbine locations to reach the same nameplate generation capacity of either of the Vestas turbine models being considered. Because the original permit application and environmental review were

[2] WPL. Testimony – Galante Direct Testimony and Schedules. November 5, 2025. eDocket #202511-224677-02.
[3] WPL. Testimony – Galante Direct Testimony and Schedules. November 5, 2025. eDocket #202511-224677-02.
[4] WPL. Testimony – Galante Direct Testimony and Schedules. November 5, 2025. eDocket #202511-224677-02.

completed using the larger Vestas V136-120 turbine model, which also places two more turbines on the landscape, EIP staff believes that the environmental analysis for the Nordex N133 turbine model provided in the Applicant's direct testimony supports inclusion of this turbine model for the project.

Recommended Site Permit Revisions

EIP staff recommends the following revisions to the Draft Site Permit[5] to accurately reflect the potential use of the Nordex 4.8 MW-N133 turbine for the project and DNR's hearing comments. Minnesota Department of Agriculture recommended the development of agricultural impact mitigation plan (AIMP) during the application completeness comment period,[6] and the Applicant committed to developing an AIMP and submitting the document as a pre-construction compliance filing.[7] For consistency with other large energy infrastructure projects permitted by the Commission, staff recommends the inclusion of an agricultural impact mitigation plan special condition in the site permit.

1 Site Permit

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Wisconsin Power & Light Company (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This site permit authorizes the Permittee to construct and operate an up to 153 megawatt (MW) Large Wind Energy Conversion System, consisting of 34 – 4.5 MW Vestas V136-112 wind turbines, ~~or~~ 34 – 4.5 MW V136-120 wind turbines, or 32 – 4.8 MW Nordex N133 wind turbines, and associate facilities identified in this site permit. (Bent Tree North Wind Farm, henceforth known as Project). The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

2 Project Description

The Bent Tree North Wind Farm is an up to 153 MW nameplate capacity LWECS to be constructed in Freeborn County, Minnesota, and necessary wind access buffer easements extending into Waseca and Steele Counties, Minnesota. The LWECS will consist of up to 34 – 4.5 MW, Vestas V136-112 turbines, ~~or~~ 34 – 4.5 MW Vestas V136-120 turbines, or 32 – 4.8 MW Nordex N133 turbines. The Project also includes up to four (4) alternate turbine locations for the Vestas turbine models and up to six (6) alternate turbine locations for the Nordex turbine model that can be used should any of the primary turbine locations be determined to not be adequate for construction or operation.

2.1 Associated Facilities

Associated facilities for the Project will include the following:

- *Gravel access roads*
- *Underground electric collection lines*
- *Underground communication lines*

[5] PUC. Other – Draft Permit from September 10 Order. September 16, 2025. eDocket # 20259-223064-01.
[6] Minnesota Department of Agriculture. Comments. May 13, 2025. eDocket # 20255-218881-01
[7] WPL. Reply Comments. May 19, 2025. eDocket #20255-219071-01

- *Up to two (2) permanent meteorological towers*
- *Project substation*
- *Aircraft Detection Lighting System (ADLS)*
- *Additional O&M Building*

Temporary disturbance areas associated with project construction will consist of:

- *Crane paths and pads*
- *Individual turbine laydown and construction areas*
- *Laydown Area (approximately 15 acres)*
- *Concrete Bath Plant*
- *Collector line trenches*
- *Access roads*
- *Equipment stage areas*

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this permit. The Designated Site encompasses approximately 26,046 acres. Upon completion, the Project will occupy no more than ~~50~~ 63.3 acres of land converted to wind turbines and associated facilities approved by this site permit. Within the Designated Site, the LWECS shall be located on lands for which the Permittee has obtained wind rights.

4.9 Wind Turbines

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 120 meters (394 feet) ~~above grade measured at hub height~~ from the top of the pedestal measured at hub height. The wind turbine specifications in the table below were provided in the Permittee's April 3, 2025, Site Permit Application and the Permittee's November 5, 2025, Direct Testimony for the Bent Tree North Wind Farm.

Current table in DSP deleted and replaced.

Design Feature	**Turbine Model**		
	Vestas V136 – 112	Vestas V136 - 120	Nordex N133
Capacity (MW)	4.5	4.5	4.8
Total Height (m)	180 (591 feet)	188 (617 feet)	184.6 (606 feet)
Hub Height (m)	112 (368 feet)	120 (394 feet)	118 (387 feet)
Rotor Diameter (m)	136 (446 feet)	136 (446 feet)	133.2 (437 feet)
Cut-in Wind Speed (m/s)	3	3	3
Rated Capacity Wind Speed (m/s)	14.5	14.5	13.5

Cut-out Wind Speed (m/s)	*32*	*32*	*28*
Wind Swept Area (m^2)	*14,527*	*14,527*	*13,935*
Rotor Speed (rpm)	*5.6 – 14.0*	*5.6 – 14.0*	*6.5 – 13.0*

6.5 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

6.6 Compliance with State Endangered Species Law

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

10.9 GPS Data

Within ~~90~~ 120 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

Other Site Permit Revisions – Not Recommended

The Applicant requested revisions be made to sections 4.7, 7.1 and 10.5 of the Draft Site Permit.[8] EIP staff does not recommend the requested revisions to these sections.

Section 4.7 refers to the development of a Prairie Protection and Management Plan, which is required if there is native prairie within the Designated Site. To EIP staff's understanding, the language of this section cannot be read – as the Applicant suggests – to apply only if the proposed project will impact native prairie. Staff believes a plan is necessary to ensure avoidance of any impacts to native prairie.

Section 7.1 of the site permit is intended to be a process that involves consultation with Commission and DNR staff and completing desktop inventories to determine if any additional field inventories or surveys are necessary to address potential biological impacts within the Designated Site. The entire Designated Site has to be analyzed for the presence of biological resources to determine the potential for impacts, and how to avoid, minimize, or mitigate for impacts if appropriate. The Applicant's recommend permit language seems to request that only certain areas within the Designated Site have to be assessed for the potential to impact biological resources. Agricultural lands can also have biological resources that may require additional assessment, such as wetlands present within agricultural lands.

[8] PUC. Other – Draft Permit from September 10 Order. September 16, 2025. eDocket # 20259-223064-01.

Section 10.5 of the site permit pertains to reporting on workers that maintain permanent residence within 150 miles of the project. The Applicant indicated it would be difficult for them to verify if workers meet this definition, but did not provide any details as to why verification of this information would be difficult. It is unclear to EIP staff as to why the Applicant, or their contractors, would not have the permanent address of all workers employed to work on the project and not be able to confirm the distance of their residence from the project with a variety of mapping applications or programs.

Proposed Edits to the Applicant's Findings of Fact

EIP staff recommends the following edits to the Applicant's proposed Findings of Fact (FOF). Edits are discussed briefly here and are shown in underline and strikethrough in Attachment A.

FOF 7, 9, 15, and 16 – EIP staff recommends changing PUC-EIP to EERA (now PUC-EIP) to provide clarity.

FOF 67 – EIP staff recommends the following revisions; The Project will have a nameplate capacity of up to 153 MW. ~~Should t~~The Project is assumed to have a net capacity factor of 41 percent, the projected average annual output will be approximately 549,514 megawatt hours ("MWh").[9] Annual energy production output will be dependent on final design, site-specific features, and selected turbine equipment.[10]

FOF 84 – EIP staff recommends the following revisions; On June 24, 2025, the Applicant, Commission staff, and EERA (now PUC-EIP) staff~~, and the ALJ~~ held an in-person public information meeting at the Oak View Golf Club in Alden, Minnesota.[11] Five individuals provided comment at the public information meeting.

FOF 90 -EIP staff recommends the following revisions; On June 25, 2025, the Applicant, Commission staff, and EERA (now PUC-EIP) staff, ~~and the ALJ~~ held a virtual public information meeting and one person provided public comment.[12] Thomas Schiltz expressed concern about the Project regarding noise, aesthetics, traffic during construction, and the Project's resiliency against extreme weather.

FOF 191 and 193 – EIP staff recommends moving the language; "*Electrical equipment will be grounded per American National Standards Institute ("ANSI") and National Electrical Safety Code ("NESC") guidelines to maintain safety and reliability",* from FOF 191 to FOF 193. EIP staff believes the quoted text is more appropriate in the context of FOF 193 and discussion of stray voltage.

FOF 200 – EIP staff recommends the addition of *"and operation"*, to more accurately reflect the potential impacts of the proposed project.

FOF 204 – EIP staff recommends deleting *"and Faribault"*, the proposed project does not enter into Faribault county.

FOF 219 – EIP staff recommends the addition of, *"An agricultural impact mitigation plan (AIMP) is a required pre-construction filing under site permit special condition 6.5."*

[9] Ex. WPL-1 at 117 (Application).
[10] Ex. WPL-1 at 117 (Application).
[11] Ex. PUC-18 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[12] Ex. PUC-19 (Online Public Information Meeting Minutes) (eDocket No. 20258-221676-05).

FOF 254 – EIP staff recommends the addition of, *"Section 4.7 of the Draft Site Permit requires the permittee to prepare a Prairie Protection and Management Plan, in consultation with DNR if native prairie is identified within the Designated Site. The Prairie Protection and Management Plan is a pre-construction filing."*

FOF 272 – EIP staff recommends the addition of, *"The Applicant will submit a permit application for wetland impacts to the appropriate Local Government Unit (LGU) representative as required by Wetland Conservation Act (WCA)."*

FOF 303 – EIP staff recommends the following revisions, ~~In Section 4.7, WPL requested adding the words "and wind turbines or associated facilities are located in a native prairie or construction activities impacting native prairie" at the end of the first sentence of the second paragraph, after the word "Site."[13] This change was proposed to reflect the fact that a Prairie Protection and Management Plan is only required if the Project impacts native prairie.[14]~~ PUC EIP staff recommends Section 4.7 of the site permit remain the same as in the DSP approved by the Commission. A Prairie Protection and Management Plan is required if there is native prairie within the Designated Site, not only if the proposed project will impact native prairie.

FOF 305 – EIP staff recommends the following revisions, ~~In~~ PUC EIP staff recommends Section 7.1~~,~~ of the site permit remain the same as in the DSP approved by the Commission. ~~WPL requested the following revisions, with the stricken and added words depicted below, to allow WPL to leverage the desktop inventories to more efficiently complete field inventories, as well as to clarify that WPL must assess for listed and threatened species in the inventoried areas, not in the entire Designated Site:~~

> ~~The Permittee, in consultation the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site. The Permittee shall design and conduct pre-construction field inventories or wetlands identified in the desktop inventory and shall assess such areas for the presence and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of the inventories at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.[15]~~

FOF 306 – EIP staff recommends the following revisions; ~~In~~ PUC EIP staff recommends Section 10.5~~,~~ of the site permit remain the same as the DSP approved by the Commission. ~~WPL requested the requirement to report on workers who are residents of other states, but that maintain permanent residence within 150~~

[13] Ex. WPL-5 at 11 (Galante Direct).
[14] Ex. WPL-5 at 11 (Galante Direct).
[15] Ex. WPL-5 at 12 (Galante Direct).

~~miles of the Project, be removed as it will be difficult for WPL to verify whether a worker meets this definition.~~

FOF 309 -The MDA proposed to have WPL voluntarily work with the Minnesota Department of Agriculture on developing an AIMP Plan for the Project. The site permit includes special condition 6.5, which requires the development of an AIMP.

> 6.5 Agricultural Impact Mitigation Plan
>
> The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

FOF 312 – EIP staff recommends the following revisions; On December 11, 2025, the Applicant stated that it had no objection to the MnDNR's proposed special condition to ensure compliance with state endangered species law. The Site Permit will include Special Condition 6.6 Compliance with State Endangered Species Law.

> 6.6 Compliance with State Endangered Species Law
>
> The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

Conclusion of Law 9 - The changes to the Draft Site Permit, in Sections 1, 2, 2.1, 3, 4.9, and 10.9 as proposed by WPL in its Direct Testimony, and additions of Special Condition 6.5 and 6.6 are reasonable to include in the Site Permit for the Project.

Conclusion of Law 10 - The Project, with the Draft Site Permit conditions, revised Sections 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 ~~revised~~ as set forth above, satisfies the criteria for a LWECS in Minn. Stat. § 216F.03 and meets all other applicable legal requirements.

Conclusion of Law 11 -The Project, with the Draft Site Permit conditions, revised Sections 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 as set forth above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act, Minn. Stat. Chapter 116B and/or the Minnesota Environmental Policy Act, Minn. Stat. Chapter 116D.

Conclusion of Law 12 - It is reasonable to issue a Site Permit, including revised Section 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 ~~the changes proposed by WPL in its Direct Testimony,~~ to WPL for the Bent Tree North Project.

EIP staff appreciates the opportunity to provide comments on the proposed project. If you have any questions, please contact me at richard.davis@state.mn.us or 651-539-1077.

Sincerely,

Richard Davis
Environmental Review Manager

Attachment A

PUC EIP Proposed Findings of Fact – Bent Tree Wind Project

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of Wisconsin Power & Light Company's Site Permit Application for a Large Wind Energy Conversion System of up to 153 Megawatts in Freeborn County, Minnesota	MPUC Docket No. IP-7145/WS-24-349 CAH Docket No. 25-2500-41066

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

TABLE OF CONTENTS

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of Wisconsin Power & Light Company's Site Permit Application for a Large Wind Energy Conversion System of up to 153 Megawatts in Freeborn County, Minnesota	MPUC Docket No. IP-7145/WS-24-349 CAH Docket No. 25-2500-41066

~~APPLICANT'S PROPOSED~~
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

This matter was assigned to Administrative Law Judge Megan McKenzie ("ALJ") to conduct a public hearing on Wisconsin Power & Light Company's ("WPL," "Applicant," or the "Company") Site Permit Application for the proposed Bent Tree North Wind Farm ("Application"). The Bent Tree North Wind Farm will be a 153-megawatt ("MW") Large Wind Energy Conversion System in Freeborn County, Minnesota ("Bent Tree North" or "Project"). The Minnesota Public Utilities Commission ("Commission") also requested that the ALJ prepare findings of fact, conclusions of law, and recommendations regarding the proposed Site Permit.

A public hearing on the Application for the Project was held on November 17, 2025 in Alden, Minnesota, and November 18, 2025, virtually. The public hearing comment period closed on December 2, 2025.

Valerie Herring, Taft Stettinius & Hollister LLP, Zach Ramirez, Senior Counsel for Alliant Energy Corporation, and Marcus Galante, Senior Renewables Development Specialist for Alliant Energy Corporate Services, appeared on behalf of WPL.

Richard Davis, Environmental Review Manager, appeared on behalf of the Energy Infrastructure Permitting Unit ("PUC-EIP") of the Commission, formerly the Department of Commerce, Energy Environment Review and Analysis ("DOC-EERA").[1]

Scott Ek, Energy Facilities Planner, appeared on behalf of the Commission.

[1] On July 1, 2025, the Minnesota Energy Infrastructure Permitting Act, Minn. Stat. Ch. 216I, took effect and consolidated DOC-EERA staff and the Commission's Energy Facilities Permitting staff into a single entity – the Energy Infrastructure Permitting (EIP) unit. *See* Notice of Legislative Changes (July 9, 2025) (eDocket No. 20257-220799-01). For clarity, these Proposed Findings of Fact, Conclusions of Law, and Recommendations refer to PUC-EIP rather than DOC-EERA.

STATEMENT OF ISSUES

Has WPL satisfied the criteria set forth in Minn. Stat. Chapter 216F and Minn. Stat. § 216E.03, subdivision 7, and Minn. R. Chapter 7854 for a Site Permit for the proposed Bent Tree North Project?[2]

SUMMARY OF RECOMMENDATIONS

The ALJ concludes that WPL has satisfied the applicable legal requirements and, accordingly, recommends that the Commission **GRANT** a Site Permit for the Bent Tree North Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the ALJ makes the following:

FINDINGS OF FACT

I. APPLICANT

1. WPL, a wholly owned utility subsidiary of Alliant Energy Corporation ("Alliant Energy"), is a utility that serves 491,000 electric and 198,000 natural gas retail customers in Wisconsin.[3] WPL will design, construct, finance, operate, maintain, and own the Project.[4]

2. Energy generated from the Project will be used to meet WPL's Renewable Portfolio Standards requirements pursuant to Wisconsin statute and to meet the energy demands of WPL's retail and wholesale customers in Wisconsin.[5]

3. WPL owns the existing Bent Tree Wind Farm, which received its Site Permit on October 20, 2009.[6] The Bent Tree Wind Farm is located adjacent to the southern boundary of the Project Area[7] and began operation in February 2011. The Bent Tree Wind Farm includes 122 turbines with a nameplate capacity of 201 MW.[8]

II. PROCEDURAL HISTORY

4. On April 3, 2025, WPL filed the Application with the Commission requesting a Site Permit for the Bent Tree North Wind Project.[9]

---

[2] As the Application for this Project was filed prior to July 1, 2025, the Application is being reviewed under Minn. Stat. 216F, Minn. Stat. 216E, and Minn. R. Ch. 7854 rather than Minn. Stat. Ch. 216I. *See* Notice of Legislative Changes (July 9, 2025) (eDocket No. 20257-220799-01).

[3] Ex. WLP-1 at 1 (Site Permit Application for Bent Tree North Wind Farm) (eDocket No. 20254-217223-05) ("Application").

[4] Ex. WPL-1 at 1 (Application).

[5] Ex. WPL-1 at 1 (Application).

[6] *In the Matter of the Application of Wisconsin Power and Light Company for a Site Permit for up to 400 MW of Wind Generation in Freeborn County*, Docket No. ET6657/WS-08-573, ORDER (Oct. 20, 2009).

[7] The Project Area is the Approximate 26,046-acre area where WPL proposes to build the Bent Tree North Wind Project facilities. Ex. WPL-1 at ix (Application).

[8] Ex. WPL-1 at 2 (Application).

[9] Ex. WPL-1 (Application).

5. On April 11, 2025, the Applicant filed Notices of Appearance and a Motion for Pro Hac Vice.[10]

6. On April 23, 2025, the Commission filed a Notice of Comment Period on Application Completeness.[11] The Notice requested comments on whether the Project's Application was complete within the meaning of the Commission's rules; whether there were contested issues of fact with respect to the representations made in the Application; whether an advisory task force should be appointed; and whether the Commission should direct the Executive Secretary to issue an authorization to the Applicant to initiate consultation with the Minnesota State Historic Preservation Office ("SHPO").

7. On May 13, 2025, the EERA (now PUC-EIP) staff filed comments in response to the Commission's Notice of Comment Period on Application Completeness.[12] EERA (now PUC-EIP) staff recommended the Commission accept the Application as complete with the understanding that WPL would continue to work with EERA (now PUC-EIP) staff to provide additional information as needed throughout the permitting process.[13] Additionally, EERA (now PUC-EIP) staff stated that it was not aware of any contested issues of fact regarding the Application and thus did not recommend the appointment of an advisory task force.[14] EERA (now PUC-EIP) staff took no position on the Executive Secretary issuing authorization to the Applicant to consult with SHPO.[15]

8. Also on May 13, 2025, the Minnesota Department of Agriculture ("MDA") filed comments recommending that the Applicant voluntarily agree to work with MDA to develop an Agricultural Impact Mitigation Plan ("AIMP") for the Project.[16]

9. On May 19, 2025, WPL filed reply comments responding to the comments filed by EERA (now PUC-EIP) staff and MDA.[17] WPL supported the recommendations made by EERA (now PUC-EIP) staff and stated it had no objections to working with MDA to prepare an AIMP for the Project.[18]

10. On May 27, 2025, the Commission issued its Order which found the Application complete; declined to appoint an advisory task force; delegated authority to the Executive Secretary to initiate consultation with SHPO; requested that an ALJ conduct the public hearings

[10] Ex. WLP-3 (Notice of Appearance and Motion for Pro Hac Vice) (eDocket No. 20254-217546-01).
[11] Ex. PUC-1 (Notice of Comment Period on Application Completeness) (eDocket No. 20254-218036-01).
[12] Ex. PUC-2 (Department of Commerce Energy Environmental Review and Analysis Comments on Application Completeness) (eDocket No. 20255-218893-01).
[13] Ex. PUC-2 (Department of Commerce Energy Environmental Review and Analysis Comments on Application Completeness) (eDocket No. 20255-218893-01).
[14] Ex. PUC-2 (Department of Commerce Energy Environmental Review and Analysis Comments on Application Completeness) (eDocket No. 20255-218893-01).
[15] Ex. PUC-2 (Department of Commerce Energy Environmental Review and Analysis Comments on Application Completeness) (eDocket No. 20255-218893-01).
[16] Ex. PUC-3 (Minnesota Department of Agriculture Comments on Application Completeness) (eDocket No. 20255-218881-01).
[17] Ex. PUC-4 (Wisconsin Power & Light Company Comments on Application Completeness) (eDocket No. 20255-219071-01).
[18] Ex. PUC-4 (Wisconsin Power & Light Company Comments on Application Completeness) (eDocket No. 20255-219071-01).

and provide a full report with findings of fact, conclusions of law, and recommendations regarding the Project; waived or extended the required time periods for a preliminary determination on a draft site permit and the final site permit decision; and required the Company to prepare an AIMP in coordination with the MDA.[19]

11. On June 10, 2025, the Commission issued its Notice of Public Information Meetings for an in-person meeting on June 24, 2025, a virtual meeting on June 25, 2025, and stating that written comments would be accepted through July 9, 2025.[20] The notice requested comments concerning the Commission's issuance of a draft site permit, potential human and environmental impacts of the proposed Project to be considered, and possible minimization, mitigation, or avoidance of potential Project related impacts.[21]

12. On June 12, 2025, the Commission issued its sample site permit.[22]

13. On June 17, 2025, the Commission filed the Environmental Quality Monitor's Notice of Public Information Meetings.[23]

14. On June 20, 2025, the Commission filed affidavits of publication that the Notice of Public Information Meetings was published in the following newspapers: the NRHEG Star Eagle, the Owatonna People's Press, and the Albert Lea Tribune.[24]

15. On June 24, 2025, Commission staff and EERA (now PUC-EIP) staff held an in-person public information meeting in Alden, Minnesota.[25] Roger Langlie, Tim Donovan, Larry Crass, Martin Johnson, and Paul Tufte provided public comments at this meeting.[26]

16. On June 25, 2025, Commission staff and EERA (now PUC-EIP) staff held a virtual public information meeting via Webex and telephone.[27] Thomas Schiltz provided a public comment at this meeting.[28]

17. On June 27, 2025, WPL filed a compliance filing stating that WPL had completed the notice requirements of Minn. R. 7854.0600 and provided affidavits of mailing and affidavits of publication related to the notice provided by WPL regarding the Application.[29]

18. On July 8, 2025, the Commission filed comments from the Albert Lea Economic Development Agency who supported the Project and urged the Commission to approve the

[19] Ex. PUC-5 (Order on Application Completeness) (eDocket No. 20255-219281-01).
[20] Ex. PUC-6 (Notice of Public Information Meeting) (eDocket No. 20256-219763-01).
[21] Ex. PUC-6 (Notice of Public Information Meeting) (eDocket No. 20256-219763-01).
[22] Ex. PUC-7 (Sample Site Permit) (eDocket No. 20256-219857-01).
[23] Ex. PUC-8 (Notice of Public Information Meetings (EQB Monitor)) (eDocket No. 20256-219957-01).
[24] Ex. PUC-9 (Notice of Public Information Meetings (Newspaper)) (eDocket No. 20256-220085-01).
[25] Ex. PUC-18 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[26] Ex. PUC-18 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[27] Ex. PUC-19 (Online Public Information Meeting Minutes) (eDocket No. 20258-221676-05).
[28] Ex. PUC-19 (Online Public Information Meeting Minutes) (eDocket No. 20258-221676-05).
[29] Ex. WPL-4 (Compliance Filing related to Notice Provided Regarding Application Acceptance) (eDocket No. 20256-220407-01).

Project.[30] On the same day, North Central States Regional Council of Carpenters and International Union of Operating Engineers Local 49 filed comments in support of the Project.[31]

19. On July 9, 2025, the Minnesota Department of Natural Resources ("MnDNR") filed comments regarding the draft site permit,[32] the MnDNR also filed its the Natural Heritage Review Letter.[33] In its comments on the draft site permit, MnDNR stated that it looked forward to coordinating with the Applicant to develop an Avian and Bat Protection Plan ("ABPP") for the Project.[34] The MnDNR also proposed site permit conditions related to coordination with local snowmobile groups, wildlife-friendly erosion control, facility lighting, and use of non-chloride products for dust control.[35] In its Natural Heritage Review Letter, the MnDNR also recommended that the draft site permit prohibit tree clearing from June 1 through August 15.[36]

20. On July 9, 2025, the Minnesota Department of Transportation ("MnDOT") filed comments on the proposed Project.[37] MnDOT stated that it anticipates that the Project will have minimal impacts to the state trunk highway right-of-way, and that the alignment of the Project's proposed collection line occupation of state trunk highway 13 at 325th Street likely not permittable. MnDOT stated that, if the Commission issues a Site Permit for the Project, WPL will need to have continued coordination with MnDOT staff before any MnDOT permits are issued.[38]

21. On July 10, 2025, the Laborers' International Union of North America ("LiUNA") of Minnesota and North Dakota filed comments noting that the Project has the potential to provide significant energy and socioeconomic benefits to southeast Minnesota, including high-quality jobs and construction career opportunities for local workers.[39]

22. On August 1, 2025, the Commission filed public comments received from Rachel Knudson, Jerry Demmer, and Thomas Schiltz on the Project.[40]

23. On August 4, 2025, the PUC-EIP staff filed its comments and recommendations on the draft site permit.[41] PUC-EIP staff recommended that the Commission issue a draft site permit for the Project with certain proposed changes from the sample site permit. The PUC-EIP staff recommended including in the draft site permit MnDNR's proposed conditions related to coordination with local snowmobile groups, wildlife-friendly erosion control, facility lighting,

---

[30] Ex. PUC-10 (Albert Lea Economic Development Agency Comments) (eDocket No. 20257-220760-01).
[31] Ex. PUC-11 (International Union of Operating Engineers Local 49 and North Central States Regional Council of Carpenters Comments) (eDocket No. 20257-220727-01).
[32] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-01).
[33] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-02).
[34] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-01).
[35] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-01).
[36] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-02).
[37] Ex. PUC-13 (Minnesota Department of Transportation Comments) (eDocket No. 20257-220773-01).
[38] Ex. PUC-13 (Minnesota Department of Transportation Comments) (eDocket No. 20257-220773-01).
[39] Ex. PUC-14 (LIUNA Minnesota and North Dakota Comments) (eDocket No. 20257-220819-01).
[40] Ex. PUC-15 (Rachel Knudson Comments) (eDocket No. 20258-221676-03); Ex. PUC-16 (Jerry Demmer Comments) (eDocket No. 20258-221676-02); Ex. PUC-17 (Thomas Schiltz Comments) (eDocket No. 20258-221676-01).
[41] Ex. PUC-20 (Energy Infrastructure Permitting Staff Comments and Recommendations on Draft Site Permit) (eDocket No. 20258-221701-01).

use of non-chloride products for dust control, and prohibiting tree clearing from June 1 to August 15.[42] PUC-EIP staff provided a preliminary draft site permit for the Commission's consideration.[43]

24. On August 14, 2025, the Court of Administrative Hearings ("CAH") filed the Order for Prehearing Conference that set a prehearing conference for August 20, 2025.[44]

25. On August 19, 2025, the Commission filed its letter authorizing the Applicant to consult with SHPO.[45]

26. On August 20, 2025 a prehearing conference was held by ALJ Jessica A. Palmer-Denig by videoconference via Microsoft Teams that was attended by the Applicant, PUC-EIP staff, and Commission staff.[46]

27. On August 21, 2025, the CAH filed its scheduling order setting the procedural schedule for this proceeding.[47]

28. On August 25, 2025, the Commission filed its notice of Commission meeting scheduled for September 4, 2025 on the draft site permit.[48]

29. On August 26, 2025, Legalectric, Inc. filed comments and requested to be added to the service list for the Project.[49]

30. On September 10, 2025, the Commission filed its Order which issued the proposed draft site permit that incorporated the modifications proposed by PUC-EIP staff.[50] The PUC-EIP staff updated the draft site permit with Project-specific information and proposed modifications to sections 4.9, 4.11, 5.3.10, 5.3.13, 6.1, 6.2, 6.3, 6.4, 7.5.1, 11.1, and 14, which were introduced in the PUC-EIP staff's August 4, 2025 comments.[51]

31. On September 16, 2025, the Commission filed a clean draft site permit ("Draft Site Permit") with the modifications outlined in the September 10, 2025 Commission Order.[52]

---

[42] Ex. PUC-20 at 13-14 (Energy Infrastructure Permitting Staff Comments and Recommendations on Draft Site Permit) (eDocket No. 20258-221701-01).
[43] Ex. PUC-20 at 13-14 (Energy Infrastructure Permitting Staff Comments and Recommendations on Draft Site Permit) (eDocket No. 20258-221701-01).
[44] Court of Administrative Hearings Order (Order for Prehearing Conference) (eDocket No. 20258-222113-01).
[45] Ex. PUC-21 (Letter: SHPO Consultation) (eDocket No. 20258-222225-01).
[46] Court of Administrative Hearings Order (Scheduling Order) (eDocket No. 20258-222284-01).
[47] Court of Administrative Hearings Order (Scheduling Order) (eDocket No. 20258-222284-01).
[48] Notice of Commission Meeting (eDocket No. 20258-222377-01).
[49] Ex. PUC-22 (Legalectric Comment Letter) (eDocket No. 20258-222423-01).
[50] Ex. PUC-23 (Order Issuing Draft Site Permit) (eDocket No. 20259-222887-01).
[51] Ex. PUC-20 at 13-14 (Energy Infrastructure Permitting Staff Comments and Recommendations on Draft Site Permit) (eDocket No. 20258-221701-01).
[52] Draft Site Permit from September 10 Order (eDocket No. 20259-223064-01).

32. On October 27, 2025, the CAH reassigned the proceeding to ALJ Megan McKenzie.[53]

33. On November 3, 2025, the Commission filed a Notice of Public Hearings and Availability of the Draft Site Permit, notifying the public of the availability of the Draft Site Permit, the November 17, 2025 in-person hearing, the November 18, 2025 virtual hearing, and initiating a public comment period ending December 2, 2025.[54] The Notice of Public Hearings and Availability of the Draft Site Permit was published in the EQB Monitor,[55] the NRHEG Star Eagle, the Owatonna People's Press, and the Albert Lea Tribune.[56]

34. On November 5, 2025, the Applicant filed Direct Testimony of Marcus Galante.[57]

35. On November 6, 2025, the Commission filed a public comment from Karen Hendrickson.[58]

36. On November 12, 2025, the Commission also filed comments from Justin and Sheila Arndt.[59]

37. On November 17, 2025, the Commission filed comments from Eric Lynne, Rebecca Stevens, Thomas Lang, Ryan Phillips, Kari Thostenson, Jerry Demmer, Kevin Rubran, Trisha Lestrud, and Amy Klimmek.[60]

38. On November 17, 2025, the ALJ held an in-person public hearing in Alden, Minnesota.[61] At the public hearing, Sandy Norby, Richard Swanson, Rachel Knudson, Tony Wicken, Karen Pendley, Martin Johnson, and Glen Austin provided comments on the Project.[62]

---

[53] Court of Administrative Hearings (Reassignment Letter) (eDocket No. 202510-224279-01).
[54] Ex. PUC-24 (Notice of Public Hearings and Availability of Draft Site Permit) (eDocket No. 202511-224593-01).
[55] Ex. PUC-27 (Notice of Public Hearings and Availability of Draft Site Permit (EQB Monitor)) (eDocket No. 20511-224859-01).
[56] Ex. PUC-28 (Notice of Public Hearings and Availability of Draft Site Permit (Newspaper)) (eDocket No. 20511-224857-01).
[57] Ex. WPL-5 (Galante Direct Testimony and Schedules) (eDocket No.202511-224677-01 and 202511-224677-02).
[58] Ex. PUC-25 (Karen Hendrickson Comments) (eDocket No. 202511-224708-01).
[59] Ex. PUC-26 (Justin and Sheila Arndt Comments) (eDocket No. 202511-224848-01).
[60] Public Comment (Eric Lynne) (eDocket No. 202511-224989-01); Public Comment (Rebecca Stevens) (eDocket No. 202511-224988-01); Public Comment (Thomas Lang) (eDocket No. 202511-224987-01); Public Comment (Ryan Phillips) (eDocket No. 202511-224983-01); Public Comment (Kari Thostenson) (eDocket No. 202511-224982-01); Public Comment (Jerry Demmer) (eDocket No. 202511-224981-01); Public Comment (Batch Comments) (eDocket No. 202511-224979-01).
[61] Alden 6:00pm Tr. at 1 (Nov. 17, 2025).
[62] Alden 6:00pm Tr. at 22:9-24:7 (Norby); 24:10-27:16 (Swanson); 27:17-31:25 (Knudson); 32:7-33:3 (Wicken); 33:4-36:16 (Pendley); 36:25-41:1 (Johnson); 41:4-44:9 (Austin) (Nov. 17, 2025).

39. On November 18, 2025, the Commission filed comments from Roger Langlie,[63] Mariah Lynne,[64] Sydney Tufte,[65] Mel and Eric Bakken,[66] Camellia Lynne,[67] and Linda Lang.[68]

40. On November 18, 2025, the Administrative Law Judge held a virtual public hearing over WebEx and telephone.[69] At the public hearing, Lucas Franco, Tim Donovan, and Jerry Demmer provided comments on the Project.[70]

41. On November 19, 2025, the Commission filed comments from Randy Tuchtenhagen.[71]

42. On November 24, 2025, the Commission filed comments from Kaden Crapp.[72]

43. On November 25, 2025, the North Central States Regional Council of Carpenters and International Union of Operating Engineers Local 49 filled comments on the Project.[73] On the same day, the Commission filed public comments from Jessica Dahlman.[74]

44. On December 1, 2025, the Commission filed comments from John Forman.[75]

45. On December 2, 2025, the MnDNR filed comments on the Project.[76]

46. On December 2, 2025, the Commission filed comments from Matt Eastvold[77] and the Albert Lea – Freeborn County Chamber of Commerce.[78]

47. On December 2, 2025, RENEW Wisconsin also filed comments on the Project.[79]

48. On December 3, 2025, the Commission filed comments from Steven Ausen.[80]

49. On December 11, 2025, WPL filed its Response to Public Comments.[81]

---

[63] Public Comment (Roger Langlie) (eDocket No. 202511-225050-01).
[64] Public Comment (Mariah Lynne) (eDocket No. 202511-225048-01).
[65] Public Comment (Sydney Tufte) (eDocket No. 202511-225046-01).
[66] Public Comment (Mel and Eric Bakken) (eDocket No. 202511-225046-01).
[67] Public Comment (Camellia Lynne) (eDocket No. 202511-225046-01).
[68] Public Comment (Linda Lang) (eDocket No. 202511-225045-01).
[69] WebEx 6:00pm Tr. at 1 (Nov. 18, 2025).
[70] WebEx 6:00pm Tr. at 18:6-21:1 (Franco); 21:12- 22:7 (Donovan); 22:17-24:9 (Nov. 18, 2025).
[71] Public Comment (Randy Tuchtenhagen) (eDocket No. 202511-225059-01).
[72] Public Comments (Kaden Crapp) (eDocket No. 202511-225222-01).
[73] Public Comment (North Central States Regional Council of Carpenters/IUOE Local 49) (eDocket No. 202511-225283-01).
[74] Public Comment (Jessica Dahlman) (eDocket No. 202511-225266-01).
[75] Public Comment (John Forman) (eDocket No. 202512-225381-01).
[76] Minnesota Department of Natural Resources (Comments) (eDocket No. 202512-225464-01).
[77] Public Comment (Matt Eastvold) (eDocket No. 202512-225459-01).
[78] Public Comment (Albert Lea – Freeborn County Chamber of Commerce) (eDocket No. 202512-22545-01).
[79] RENEW Wisconsin (Comments) (eDocket No. 202512-225434-01).
[80] Public Comment (Steven Ausen) (eDocket No. 202512-225484-01).
[81] Applicant's Response to Public Comments (Comments) (eDocket No. 202512-225755-01).

III. CERTIFICATE OF NEED EXEMPTION AND RELATED PROCEDURAL BACKGROUND

50. A Certificate of Need is required for all "large energy facilities," as defined in Minn. Stat. § 216B.243, subd. 2(1), unless the facility falls within a statutory exemption from the Certificate of Need requirements. Because the Project is a generating plant larger than 50 MW, it meets the definition of a large energy facility.[82]

51. The Project qualifies for an exemption from the Certificate of Need requirements under Minn. Stat. § 216B.243, subd. 8(7), because this Application is being submitted by an independent power producer as WPL does not have any retail or wholesale customers in the state of Minnesota.[83] WPL plans to use the power generated from the Project to meet the electricity needs of its retail and wholesale customers in the state of Wisconsin.[84]

IV. DESCRIPTION OF THE PROJECT

52. The proposed Project is a large wind energy conversion system ("LWECS") as defined by the Wind Siting Act (Minnesota Statutes Chapter 216F) with a proposed Project Area of 26,046 acres.[85] The Project Area is located in Freeborn County, Waseca County, and Steele County.[86] Approximately 22,592 acres are in Freeborn County, approximately 2,312 acres are in Waseca County, and approximately 1,142 acres are in Steele County.[87] All Project infrastructure will be located in Freeborn County and no Project infrastructure is proposed within Waseca County or Steele County.[88] The portions of the Project Area within Waseca County and Steele County are required to satisfy wind access buffers.[89]

53. The proposed Project is an up to 153 MW nameplate capacity wind farm, consisting of up to 34 wind turbine generators, on 38 possible locations.[90]

54. Three different turbine models are under consideration for the Project. In the Application, WPL proposed to use 4.5 MW, Vestas V136-112 or Vestas V136-120 wind turbine generators.[91] Hub heights for the Vestas turbines range from 112 meters (368 feet) to 120 meters (394 feet) and have a total height between 180 meters (591 feet) and 188 meters (617 feet).[92] As noted in Direct Testimony, WPL is also considering using the Nordex 4.8 MW-N133 turbine for the Project.[93] The Nordex N133 turbine has a total height of 184.6 meters (606 feet) and a hub

[82] Ex. WPL-1 at 1 (Application).
[83] Ex. WPL-1 at 3 (Application).
[84] Ex. WPL-1 at 3 (Application).
[85] Ex. WPL-1 at 7 (Application).
[86] Ex. WPL-1 at 6 (Application).
[87] Ex. WPL-1 at 6 (Application).
[88] Ex. WPL-1 at 7 (Application).
[89] Ex. WPL-1 at 7 (Application).
[90] Ex. WPL-1 at 7 (Application); Ex. WPL-6 at 3 (Galante Direct).
[91] Ex. WPL-1 at 7 (Application).
[92] Ex. WPL-1 at 12 (Application).
[93] Ex. WPL-6 at 4 (Galante Direct).

height of 118 meters (387 feet).[94] Table 1 below provides a summary of the key characteristics of the three proposed turbines that are under consideration for this Project.

Table 1
Wind Turbine Characteristics[95]

Design Feature	Nordex N133	Vestas V136 - 112	Vestas V136 -120
Nameplate Capacity (MW)	4.8	4.5	4.5
Total Height (m)	184.6 (606 feet)	180 (591 feet)	188 (617 feet)
Hub Height (m)	118 (387 feet)	112 (368 feet)	120 (394 feet)
Rotor Diameter (m)	133.2 (437 feet)	136 (446 feet)	136 (446 feet)
Cut-in Wind Speed (m/s)	3	3	3
Rated Capacity Wind Speed (m/s)	13.5	14.5	14.5
Cut-out Wind Speed (m/s)	28	32	32
Wind Swept Area (m2)	13,935	14,527	14,527
Rotor Speed (rpm)	6.5 – 13.0	5.6 – 14.0	5.6 – 14.0

55. The blades of the proposed wind turbines are controlled by the pitch control system. Based on the prevailing wind conditions, the blades are continuously positioned to optimize the pitch angle.[96] Each turbine is protected from lightning through a grounding and shielding system.[97] Each turbine will be connected to WPL's supervisory control and data acquisition ("SCADA") system.[98] The SCADA system monitors a vast range of turbine components and gathers information to operate them, including generator output, bearing temperatures, Federal Aviation Administration ("FAA") lighting, and coolant temperatures and will allow remote, 24-hour monitoring of the Project and each turbine on an individual basis.[99]

56. With the Vestas turbines, 34 turbine locations are primary and four are alternate locations.[100] Due to the higher capacity of the Nordex turbines, 32 turbine locations are primary and six are alternate locations.[101]

[94] Ex. WPL-6 at 4 (Galante Direct).
[95] Ex. WPL-6 at 5 (Galante Direct).
[96] Ex. WPL-1 at 14 (Application).
[97] Ex. WPL-1 at 15 (Application).
[98] Ex. WPL-1 at 15 (Application).
[99] Ex. WPL-1 at 15 (Application).
[100] Ex. WPL-1 at 7 (Application).
[101] Ex. WPL-6 at 6 and Schedule 4 (Galante Direct).

57. The Project will include a wind access buffer of five rotor diameter ("RD") from non-leased properties in the prevailing wind directions and three RD in the non-prevailing wind directions.[102] A noise setback meeting the Minnesota Pollution Control Agency's ("MPCA") Noise Standards found in Minnesota Rules Chapter 7030; and setbacks from residences, public roads, and trails sufficient to meet the applicable standards..[103]

58. The associated facilities for the Project include the underground electric collection lines, Project substation, operations and maintenance facility building, access roads, crane paths and pads, Aircraft Detection Lighting System ("ADLS"), two permanent meteorological towers, laydown areas, and a temporary batch plant.[104] The Project will use the existing Bent Tree Wind Farm operations and maintenance facility located east of the city of Hartland, Minnesota.[105]

59. To interconnect the Project to the transmission system, a new 161 kilovolt transmission line will be constructed from the Project substation to the point of interconnection at ITC Midwest's existing Freeborn Switching Station.[106] ITC Midwest will design, permit, construct, own, and operate the transmission line.[107] ITC Midwest will separately apply for any required permits and approvals for the transmission line.[108]

60. WPL estimates that the Project will cost approximately $453 million (including allowance for funds used during construction) to construct.[109] These costs do not include the cost to interconnect to the transmission system as Midcontinent Independent System Operator, Inc. studies are ongoing.[110]

V. SITE LOCATION AND CHARACTERISTICS

61. The Project Area includes lands within Freeborn Township, Hartland Township, and Bath Township in Freeborn County, Byron Township and New Richland Township in Waseca County, and Berlin Township in Steele County.[111]

62. The Project Area is approximately 26,046 acres of mostly agricultural land.[112] Cultivated land comprises approximately 24,420 acres (94 percent) of the Project Area.[113]

63. The Project is located in a rural area. In Freeborn County, the population density is approximately 42.9 individuals per square mile.[114] In Waseca County, the population density

[102] Ex. WPL-1 at 10 (Application).
[103] Ex. WPL-1 at 9-10 (Application).
[104] Ex. WPL-1 at 1, 18-21 (Application).
[105] Ex. WPL-1 at 19 (Application).
[106] Ex. WPL-1 at 17 (Application).
[107] Ex. WPL-1 at 17-18 (Application).
[108] Ex. WPL-1 at 17 (Application).
[109] Ex. WPL-1 at 115 (Application).
[110] Ex. WPL-1 at 115 (Application).
[111] Ex. WPL-1 at 6 (Application).
[112] Ex. WPL-1 at 7 (Application).
[113] Ex. WPL-1 at 69 (Application).
[114] Ex. WPL-1 at 23 (Application).

is approximately 43.9 individuals per square mile and in Steele County, the population density is approximately 86.7 individuals per square mile.[115]

VI. WIND RESOURCE CONSIDERATIONS

64. The mean annual wind speeds near the Project Area are predicted to be 8.45 meters per second ("m/s"), with a range of 8.03 m/s to 9.01 m/s.[116] This range translates to an approximate variation of plus or minus 12 percent from the mean.[117]

65. Predicted wind speeds vary per season. The strongest winds are during the winter months with other strong winds in the late fall and early spring.[118] Specifically, between the months of September through May, wind speeds range from 8.42 m/s to 9.12 m/s, respectively.[119] The summer months of July and August have the lowest average wind speeds of 6.88 m/s and 6.89 m/s, respectively.[120]

66. The expected diurnal variation of 120-meter wind speeds are, on average, generally greatest in the night and early morning hours, peaking above 9.0 m/s, and decline at midday, dipping to 7.5 m/s.[121]

67. The Project will have a nameplate capacity of up to 153 MW. ~~Should t~~The Project is assumed to have a net capacity factor of 41 percent, the projected average annual output will be approximately 549,514 megawatt hours ("MWh").[122] Annual energy production output will be dependent on final design, site-specific features, and selected turbine equipment.[123]

VII. WIND RIGHTS AND EASEMENT/LEASE AGREEMENTS

68. At the time of the filing of the Application, WPL had secured site control agreements with landowners or 19,314.1 acres of land, representing 74.2 percent of the total Project Area.[124]

69. In Direct Testimony, Company witness Galante stated that WPL is working on finalizing any remaining landowner agreements prior to title work beginning this fall and that WPL expects to have all land rights and complete all other real-estate activity necessary to build the Project prior to commencing construction.[125]

VIII. PROJECT SCHEDULE

[115] Ex. WPL-1 at 24 (Application).
[116] Ex. WPL-1 at 105 (Application).
[117] Ex. WPL-1 at 105 (Application).
[118] Ex. WPL-1 at 105 (Application).
[119] Ex. WPL-1 at 105 (Application).
[120] Ex. WPL-1 at 105 (Application).
[121] Ex. WPL-1 at 105 (Application).
[122] Ex. WPL-1 at 117 (Application).
[123] Ex. WPL-1 at 117 (Application).
[124] Ex. WPL-1 at 21 (Application).
[125] Ex. WPL-6 at 4 (Galante Direct).

70. The Project is expected to begin construction in the third quarter of 2027 and be in commercial operation by the fourth quarter of 2028.[126]

IX. SUMMARY OF PUBLIC COMMENTS

A. State Agencies and Local Governments Comments

71. On May 13, 2025, the MDA filed comments recommending that the Applicant voluntarily agree to work with the MDA on developing an AIMP for the Project.[127] On May 29, 2025, WPL filed reply comments and agreed to work with the MDA to develop an AIMP.[128]

72. On July 8, 2025, the Albert Lea Economic Development Agency filed comments expressing strong support for the Project because of the employment opportunities and economic contribution the Project can bring to the local community.[129]

73. On July 9, 2025, the MnDNR filed comments regarding the sample site permit and proposed permit conditions regarding an Avian and Bat Protection Plan, snowmobile trails, wildlife-friendly erosion control, facility lighting, bio-netting, downward lighting, and use of non-chloride products for dust control.[130]

74. The MnDNR also filed a copy of its Natural Heritage Review for the Project.[131] As part of this review, the MnDNR identified ecologically significant areas, state-listed protected species, and federally protected species, and recommended that the Applicant incorporate guidance from the MnDNR's guidance for commercial wind energy projects.[132] To reduce impacts to bat species, the MnDNR recommended avoiding tree removal from June 1 through August 15, turbine siting away from forested areas, feathering turbine blades below cut-in speeds, and increasing cut-in speeds.[133]

75. WPL generally agreed with the MnDNR's proposed permit conditions included in its July 9, 2025 comment letter with few exceptions.[134] Specifically, WPL agreed with the MnDNR's proposed conditions related to snowmobile trails, wildlife-friendly erosion control, facility lighting, bio-netting, downward lighting, and use of non-chloride products for dust control.[135]

---

[126] Ex. WPL-1 at 116-117 (Application); Ex. WPL-6 at 3-4 (Galante Direct).
[127] Ex. PUC-3 at 1 (Minnesota Department of Agriculture Comments on Application Completeness) (eDocket No. 20255-218881-01).
[128] Ex. PUC-4 at 2 (Wisconsin Power & Light Company Comments on Application Completeness) (eDocket No. 20255-219071-01).
[129] Ex. PUC-10 (Albert Lea Economic Development Agency) (eDocket No. 20257-220760-01).
[130] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-01).
[131] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-02).
[132] Ex. PUC-12 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-02).
[133] Ex. PUC-12 at 3-4 (Minnesota Department of Natural Resources Comments) (eDocket No. 20257-220794-02).
[134] Ex. WPL-5 at 8 (Galante Direct).
[135] Draft Site Permit from September 10 Order at 17-18 (eDocket No. 20259-223064-01).

76. With regard to the MnDNR's recommendation that WPL work with the MnDNR to develop an ABPP, WPL noted that it has already developed such a plan and included it as Appendix G of Application.[136]

77. On July 9, 2025, MnDOT provided comments concluding that it anticipates that the Project will have minimal impacts to state trunk highway rights-of-way.[137] MnDOT stated that further consultation with the Applicant will be required related to the alignment of the Project's collection line crossing of state trunk highway 13 at 325th Street and that the current alignment is likely not permittable by MnDOT.[138]

78. In response to MnDOT's comments, WPL committed to consulting MnDOT again in the fall of 2025 to address their concerns related to the Project's collection line occupation of state trunk highway 13 at 325th Street.[139] WPL noted that the site plan submitted in the Application was preliminary and they are open to adjustments to the location of the collection line.[140]

79. On December 2, 2025, the MnDNR filed comments on the draft site permit.[141] First, the MnDNR recommended that the Bird and Bat Conservation Strategy include a post-construction fatality monitoring plan.[142] The MnDNR noted it generally advises all wind projects in Minnesota to conduct post-construction fatality monitoring for a minimum of two days per week to two years.[143] Further, the MnDNR recommended that the Bird and Bat Conservation Strategy include a thorough discussion of adaptive management strategies, such as operational curtailment, that may be used if high avian and or bat fatalities are reported.[144]

80. Second, the MnDNR supported a special condition to require the Applicant to complete coordination with the MnDNR regarding rare species before Project activities begin.[145] The MnDNR proposed the following special condition to ensure compliance with state endangered species laws:

> The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.[146]

---

[136] Ex. WPL-5 at 8 (Galante Direct).
[137] Ex. PUC-13 at 1 (Minnesota Department of Transportation Comments) (eDocket No. 20257-220773-01).
[138] Ex. PUC-13 (Minnesota Department of Transportation Comments) (eDocket No. 20257-220773-01).
[139] Ex. WPL-5 at 9 (Galante Direct).
[140] Ex. WPL-5 at 9 (Galante Direct).
[141] Minnesota Department of Natural Resources at 1 (Comments) (eDocket No. 202512-225464-01).
[142] Minnesota Department of Natural Resources at 1 (Comments) (eDocket No. 202512-225464-01).
[143] Minnesota Department of Natural Resources at 1 (Comments) (eDocket No. 202512-225464-01).
[144] Minnesota Department of Natural Resources at 1 (Comments) (eDocket No. 202512-225464-01).
[145] Minnesota Department of Natural Resources at 1-2 (Comments) (eDocket No. 202512-225464-01).
[146] Minnesota Department of Natural Resources at 2 (Comments) (eDocket No. 202512-225464-01).

81. Lastly, the MnDNR supported special condition 6.1 on Dust Control, special condition 6.2 on Wildfire-Friendly Erosion Control, special condition 6.3 on Facility Lighting, and special condition 6.4 on Snowmobile Trails.[147]

82. On December 2, 2025, the Albert Lea – Freeborn County Chamber of Commerce expressed support for the Project.[148] The commenter supported the Project because it represents a significant long-term investment in Freeborn County that will generate more than $100 million in local economic benefits, including tax revenue, landowner payments, wages, create over 100 construction jobs, and create additional business for the local community.[149] The Project will also support Minnesota's goal for a reliable, balanced, and low-carbon energy grid.[150]

83. On December 11, 2025, the Applicant responded with no objections to the MnDNR's recommendations to update the Bird and Bat Conservation Strategy and include a new special condition to ensure compliance with the state's endangered species laws.[151]

B. Public Information Meeting Comments

84. On June 24, 2025, the Applicant, Commission staff, and EERA (now PUC-EIP) staff~~, and the ALJ~~ held an in-person public information meeting at the Oak View Golf Club in Alden, Minnesota.[152] Five individuals provided comment at the public information meeting.

85. Roger Langlie expressed support for the Project because the Project will be able to use existing infrastructure and bring positive benefits to Freeborn County and Bath Township.[153]

86. Tim Donovan expressed support for the Project because of the need to address increased energy demand and increasing reliability concerns. The commenter further supported this Project because it generates affordable electricity and will bring positive benefits to the local community.[154]

87. Larry Crass had questions about the height of the Project, how many Applicant employees were present at the meeting, where the electricity generated by the Project will travel to, and expressed concern that the Project will decrease the quality of life in the local community.[155]

[147] Minnesota Department of Natural Resources at 2 (Comments) (eDocket No. 202512-225464-01).
[148] Public Comment (Albert Lea – Freeborn County Chamber of Commerce) (eDocket No. 202512-22545-01).
[149] Public Comment (Albert Lea – Freeborn County Chamber of Commerce) (eDocket No. 202512-22545-01).
[150] Public Comment (Albert Lea – Freeborn County Chamber of Commerce) (eDocket No. 202512-22545-01).
[151] Applicant's Response to Public Comments at 2 (Comments) (eDocket No. 202512-225755-01).
[152] Ex. PUC-18 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[153] Ex. PUC-18 at 22:13-25:7 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[154] Ex. PUC-18 at 25:10-27:2 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[155] Ex. PUC-18 at 25:8-30:14 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).

88. Martin Johnson supported the Project because it provides additional electricity generation without using up farm-land and shared that he was not concerned about the height of the Project or visual impacts.[156]

89. Paul Tufte shared concerns about the Project and opposed the Project overall. Specifically, he expressed concern that the electricity generated will not be used locally, only a select few landowners will receive financial benefit, and that the remaining residents of Freeborn County will see blinking lights in the distance.[157]

90. On June 25, 2025, the Applicant, Commission staff, and EERA (now PUC-EIP) staff, ~~and the ALJ~~ held a virtual public information meeting and one person provided public comment.[158] Thomas Schiltz expressed concern about the Project regarding noise, aesthetics, traffic during construction, and the Project's resiliency against extreme weather.[159]

C. Public Hearing Comments

91. On November 17, 2025, the ALJ held a public hearing meeting in Alden, Minnesota.[160]

92. Sandy Norby requested additional information on the cultural and archaeological studies the Project would undertake before and during construction.[161]

93. Richard Swanson asked if the Project would include a backup battery storage component.[162] The commenter also highlighted the financial benefits the Project would bring to the local community, but remained concerned about future energy generation resource planning.[163]

94. Rachel Knudson expressed support for the Project because of the financial benefits the Project would bring to her family farm and generate sustainable electricity.[164]

95. Tony Wicken expressed support for the Project because of the local employment benefits and the overall benefits the Project will bring to the local community.[165]

96. Karen Pendley inquired on the feasibility to fix a wind turbine and questioned the decommissioning plans for the Project.[166] The commenter also asked about bird impact

[156] Ex. PUC-18 at 30:15-34:9 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[157] Ex. PUC-18 at 34:10-35:9 (In-Person Public Information Meeting Minutes) (eDocket No. 20258-221676-04).
[158] Ex. PUC-19 (Online Public Information Meeting Minutes) (eDocket No. 20258-221676-05).
[159] Ex. PUC-19 at 21:22-33:25 (Online Public Information Meeting Minutes) (eDocket No. 20258-221676-05).
[160] Alden 6:00 p.m. Tr. at 1 (Nov. 17, 2025).
[161] Alden 6:00 p.m. Tr. at 22:9-24:7 (Norby) (Nov. 17, 2025).
[162] Alden 6:00 p.m. Tr. at 24:13-25:23 (Swanson) (Nov. 17, 2025).
[163] Alden 6:00 p.m. Tr. at 25:24-27:16 (Swanson) (Nov. 17, 2025).
[164] Alden 6:00 p.m. Tr. at 27:17-31:25 (Knudson) (Nov. 17, 2025).
[165] Alden 6:00 p.m. Tr. at 32:7-33:3 (Wicken) (Nov. 17, 2025).
[166] Alden 6:00 p.m. Tr. at 33:12-34:8 (Pendley) (Nov. 17, 2025).

mitigation strategies and plans for the Project.[167] Lastly, the commenter asked about public health risks impacts of the wind turbines.[168]

97. Martin Johnson expressed support for the Project because it offers a more economical and environmentally friendly energy generation resource and brings in a new tax base for the local community.[169]

98. Glen Austin supported the Project and shared that the Project would bring financial benefits to Hartland Township and Manchester Township.[170]

99. On November 18, 2025, the ALJ held a virtual public hearing meeting via WebEx and telephone.[171]

100. Lucas Franco, a research manager for LiUNA, supported the Project because it will maximize local socioeconomic benefits, provide reliable and affordable clean energy, and will create local job opportunities.[172]

101. Tim Donovan expressed support for the Project because of the growing electricity demand across the country.[173]

102. Jerry Demmer supported the Project because of the local economic benefits the Project will bring to Bath Township and the new tax base the Project will generate.[174]

D. Landowner and Other Stakeholder Written Comments

103. On July 8, 2025, the North Central States Regional Council of Carpenters and International Union of Operating Engineers Local 49 filed comments supporting the Project and the Applicant for upholding competitive labor standards, fair wages, and robust training opportunities.[175]

104. On July 10, 2025, LiUNA provided a comment recommending that the Project should prioritize the creation of high-quality jobs and career opportunities for local workers with a focus on construction.[176]

105. In response to LiUNA's comments, WPL reiterated its commitment to working with labor unions, local subcontractors, and other vendors to implement a project construction

[167] Alden 6:00 p.m. Tr. at 34:9-35:10 (Pendley) (Nov. 17, 2025).
[168] Alden 6:00 p.m. Tr. at 35:11-36:16 (Pendley) (Nov. 17, 2025).
[169] Alden 6:00 p.m. Tr. at 36:25-41:1 (Johnson) (Nov. 17, 2025).
[170] Alden 6:00 p.m. Tr. at 41:4-44:9 (Austin) (Nov. 17, 2025).
[171] WebEx 6:00 p.m. Tr. at 1 (Nov. 18, 2025).
[172] WebEx 6:00 p.m. Tr. at 18:6-21:1 (Franco) (Nov. 18, 2025).
[173] WebEx 6:00 p.m. Tr. at 21:12- 22:7 (Donovan) (Nov. 18, 2025).
[174] WebEx 6:00 p.m. Tr. at 22:17-24:9 (Nov. 18, 2025).
[175] Ex. PUC-11 (Operating Engineers Local 49 and North Central States Regional Council of Carpenters Comments) (eDocket No. 20257-220727-01).
[176] Ex. PUC-11 at 1 (Operating Engineers Local 49 and North Central States Regional Council of Carpenters Comments) (eDocket No. 20257-220727-01).

staffing model that maximizes local hiring and local economic benefits for the Project.[177] WPL expects to utilize industry best practices and platforms with respect to complying with the prevailing wage requirements both with the State of Minnesota via the Draft Site Permit and available Federal Tax Credits.[178]

106. On August 1, 2025, Rachel Knudson provided written comment expressing support for the Project because it is a carbon-free generation resource.[179]

107. On August 1, 2025, Jerry Demmer provided a written comment and expressed support for the Project because it will increase electricity reliability and bring economic benefits to the local community.[180] Demmer noted that the increased tax revenue provided by the Project will help Freeborn Conty improve its infrastructure, especially its roads.[181]

108. On August 1, 2025, Thomas Schiltz expressed concerns about the Project, primarily about the Project's resiliency against extreme weather, local setback regulations, dust control, wild bat endangerment, property value loss, and ice thrown from the turbines.[182]

109. On August 26, 2025, Legalectric provided written comment requesting to be added to the service list for the Project and noted that the Project will need to comply with state noise standards. The written comment also detailed the ground factor should be 0.00 and that the Applicant should consider potential ice throw from the Project.[183]

110. On November 11, 2025, Karen Hendrickson expressed support for the Project because of the local benefits and electricity reliability the Project will provide in Freeborn County.[184] Hendrickson stated that the Project will provide more than $100 million in wages, benefits, taxes, and landowner payments over the course of the Project's life and has the potential to create 100-150 construction jobs.[185]

111. On November 12, 2025, Justin and Sheila Arndt expressed support for the Project because it will have positive benefits on businesses and residents in the local community.[186] Specifically, from a small business owners' perspective, the commenters expressed support for this Project as it will provide landowners with long-term payments, tax benefits, job opportunities, and an increase of sales for local businesses. Further, the benefits of the Project will reach the local school district by offering students and residents a new revenue source and more jobs for graduating students. Overall, the commenters view this Project as a benefit to the local community that will also benefit their small business.[187]

---

[177] Ex. WPL-5 at 9 (Galante Direct).
[178] Ex. WPL-5 at 9-10 (Galante Direct).
[179] Ex. PUC-15 (Rachel Knudson Comments) (eDocket No. 20258-221676-03).
[180] Ex. PUC-16 (Jerry Demmer Comments) (eDocket No. 20258-221676-02).
[181] Ex. PUC-16 (Jerry Demmer Comments) (eDocket No. 20258-221676-02).
[182] Ex. PUC-17 (Thomas Schiltz Comments) (eDocket No. 20258-221676-01).
[183] Ex. PUC-22 (Legalectric Comment Letter) (eDocket No. 20258-222423-01).
[184] Ex. PUC-25 (Karen Hendrickson Comments) (eDocket No. 202511-224708-01).
[185] Ex. PUC-25 (Karen Hendrickson Comments) (eDocket No. 202511-224708-01).
[186] Ex. PUC-26 (Justin and Sheila Arndt Comments) (eDocket No. 202511-224848-01).
[187] Ex. PUC-26 (Justin and Sheila Arndt Comments) (eDocket No. 202511-224848-01).

112. On November 17, 2025, Eric Lynne wrote in support of the Project because of the Project's local economic benefits and income diversification for landowners and farmers.[188]

113. On November 17, 2025, Rebecca Stevens conveyed support for the Project because of the Project's opportunity to diversify the family's farming practices and to provide a secondary, drought-proof source of income.[189]

114. On November 17, 2025, Thomas Lang supported the Project because of the income benefits the Project will provide to local farmers and to the local community by providing a valuable new revenue source.[190] Lang also noted that wind energy will help enhance grid resilience and will contribute to national energy security by diversifying the energy mix.[191]

115. On November 17, 2025, Ryan Phillips expressed support for the Project because of the potential tax revenue the Project will generate and additional income it will provide farmers.[192]

116. On November 17, 2025, Kari Thostenson supported the Project because it offers a sustainable form of energy generation and provides economic benefits to the local community.[193]

117. On November 17, 2025, Jerry Demmer provided support for the Project because of the local economic benefits the Project will offer and income benefits to local landowners.[194]

118. On November 17, 2025, Kevin Rubran expressed support for the Project and urged for its approval.[195]

119. On November 17, 2025, Trisha Lestrud supported the Project because it represents an important investment in the local economy and in Minnesota's clean-energy future.[196]

120. On November 17, 2025, Amy Klimmek expressed support for the Project and recommended its approval.[197]

121. On November 18, 2025, Roger Langlie wrote comments in support of the Project because it will help support the local community, provide renewable energy, and will benefit Freeborn County.[198]

---

[188] Public Comment (Eric Lynee) (eDocket No. 202511-224989-01).
[189] Public Comment (Rebecca Stevens) (eDocket No. 202511-224988-01).
[190] Public Comment (Thomas Lang) (eDocket No. 202511-224987-01).
[191] Public Comment (Thomas Lang) (eDocket No. 202511-224987-01).
[192] Public Comment (Ryan Phillips) (eDocket No. 202511-224983-01).
[193] Public Comment (Kari Thostenson) (eDocket No. 202511-224982-01).
[194] Public Comment (Jerry Demmer) (eDocket No. 202511-224981-01).
[195] Public Comment (Batch Comments) (eDocket No. 202511-224979-01).
[196] Public Comment (Batch Comments) (eDocket No. 202511-224979-01).
[197] Public Comment (Batch Comments) (eDocket No. 202511-224979-01).
[198] Public Comment (Roger Langlie) (eDocket No. 202511-225050-01).

122. On November 18, 2025, Mariah Lynne, an acreage owner in the existing Bent Tree Wind Farm, urged the Commission to approve the Project because of the local economic benefits the Project will provide to Freeborn County.[199]

123. On November 18, 2025, Sydney Tufte expressed support for the Project and believed it would make a great addition to the local community as it will help many farmers continue farming legacies.[200]

124. On November 18, 2025, Mel and Eric Bakken expressed support for the Project because they want the additional tax revenue that the Project will provide for Freeborn County and their township.[201]

125. On November 18, 2025, Camellia Lynne offered support for the Project because it will bring workers to the local community and benefit local businesses. Moreover, the commenter stated that the Project will benefit the family farm and she is excited to photograph the wind turbine that will be located on their property.[202]

126. On November 18, 2025, Linda Lang offered support for the Project because the Project will add to the growing energy needs in Minnesota and provide financial support to the local community.[203]

127. On November 19, 2025, Randy Tuchtenhagen wrote in support of the Project because it will bring more renewable energy online and reduces reliance on non-renewable energy sources.[204]

128. On November 24, 2025, Kaden Crapp wrote on behalf of the Minnesota Land & Liberty Coalition in support of the Project because of the benefits that farmers and landowners will receive from the Project.[205] Crapp stated that the current Bent Tree Wind Project has generated more than $5 million in tax revenue to Freeborn County and more than $1.4 million in tax revenue to Hartland and Manchester Townships.[206]

129. On November 25, 2025, Jessica Dahlman wrote on behalf of her father, Ryan Phillips, who expressed support for the Project.[207] The commenter explained that the Project may construct up to four wind turbines on family land and the financial benefits of the Project would benefit the family, the township, school district, and the local county.[208]

130. On November 25, 2025, the North Central States Regional Council of Carpenters and International Union of Operating Engineers Local 49 filed written comments expressing

[199] Public Comment (Mariah Lynne) (eDocket No. 202511-225048-01).
[200] Public Comment (Sydney Tufte) (eDocket No. 202511-225046-01).
[201] Public Comment (Mel and Eric Bakken) (eDocket No. 202511-225046-01).
[202] Public Comment (Camellia Lynne) (eDocket No. 202511-225046-01).
[203] Public Comment (Linda Lang) (eDocket No. 202511-225045-01).
[204] Public Comment (Randy Tuchtenhagen) (eDocket No. 202511-225059-01).
[205] Public Comments (Kaden Crapp) (eDocket No. 202511-225222-01).
[206] Public Comments (Kaden Crapp) (eDocket No. 202511-225222-01).
[207] Public Comment (Jessica Dahlman) (eDocket No. 202511-225266-01).
[208] Public Comment (Jessica Dahlman) (eDocket No. 202511-225266-01).

strong support for the Project because it represents an important investment in Minnesota's clean energy future, workforce, and local economy.[209] The commenter met with the Applicant who shared the commenter's commitment to Minnesota's renewable energy goals, working with communities and labor organizations to ensure that the Project benefits both the environment and local, working families.[210] The commenter also noted that projects of this scale create over 100 well-paying construction jobs and stimulate local economies in excess of $100 million dollars.[211]

131. On November 25, 2025, John Forman, a former Freeborn County commissioner, expressed support for the Project because of the benefits it can bring to the local tax base.[212] Further, he shared the payments paid to landowners can help stabilize local farm income and bring employment and economic benefits to the community.[213]

132. On December 2, 2025, Matthew Eastvold expressed support for the Project because of the Project's contributions to the local tax base and assistance it can provide to family-owned farms.[214]

133. On December 2, 2025, RENEW Wisconsin provided comments in support of the Project because it will provide meaningful local economic benefits and is expected to support 100 to 150 full-time construction jobs.[215] The commenter also noted that the Project will use an ADLS, which is a newer technology designed to reduce blinking lights at night.[216]

134. On December 3, 2025, Steven Ausen, a supervisor in Freeborn Township, wrote in support of the Project.[217] Specifically, the commenter provided that this Project will offer farmers another source of income to keep farms in the family and be a steady economic benefit to the local community.[218]

X. SITE PERMIT CRITERIA

135. Wind energy projects are governed by Minn. Stat. Ch. 216F and Minn. R. Ch. 7854. Minn. Stat. § 216F.01, subd. 2, defines a "large wind energy conversion system" as a combination of wind energy conversion systems with a combined nameplate capacity of five MW or more. Minn. Stat. § 216F.03 requires that a LWECS be sited in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

---

[209] Public Comment (North Central States Regional Council of Carpenters/IUOE Local 49) (eDocket No. 202511-225283-01).
[210] Public Comment (North Central States Regional Council of Carpenters/IUOE Local 49) (eDocket No. 202511-225283-01).
[211] Public Comment (North Central States Regional Council of Carpenters/IUOE Local 49) (eDocket No. 202511-225283-01).
[212] Public Comment (John Forman) (eDocket No. 202512-225381-01).
[213] Public Comment (John Forman) (eDocket No. 202512-225381-01).
[214] Public Comment (Matt Eastvold) (eDocket No. 202512-225459-01).
[215] RENEW Wisconsin at 3 (Comments) (eDocket No. 202512-225434-01).
[216] RENEW Wisconsin at 3 (Comments) (eDocket No. 202512-225434-01).
[217] Public Comment (Steven Ausen) (eDocket No. 202512-225484-01).
[218] Public Comment (Steven Ausen) (eDocket No. 202512-225484-01).

136. In addition, when deciding whether to issue a site permit for a LWECS, the Commission considers the factors set forth in Minn. Stat. § 216E.03, subd. 7, which specifies, in relevant part, that the Commission "shall be guided by, but not limited to, the following considerations:

> (1) evaluation and research and investigations related to the effects on land, water, and air resources or large electric power generating plans and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic field resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
>
> (2) environmental evaluation of sites… proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
>
> (3) evaluation of the effects of new electric power generation…systems related to power plants designed to minimize adverse environmental effects;
>
> (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
>
> (5) analysis of the direct and indirect economic impacts of proposed sites … including, but not limited to, productive agricultural land lost or impaired;
>
> (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site … be accepted;
>
> (7) evaluation of alternatives to the applicant's proposed site…;
>
> (8) ***
>
> (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
>
> (10) ***

> (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site … be approved; and
>
> (12) when appropriate, consideration of problems raised by other states and federal agencies and local entities.[219]

137. The Commission must also consider whether the applicant has complied with all applicable procedural requirements.[220]

138. The Commission's rules require the applicant to provide information regarding any potential impacts of the proposed project, potential mitigation measures, and any adverse effects that cannot be avoided as part of the application process.[221] No separate environmental review document is required for a LWECS project.[222]

XI. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT

A. Human Settlement

139. The Project Area is located in a lightly populated rural area in Freeborn County, Waseca County, and Steele County.[223]

140. Cities within five miles of the Project Area have population densities ranging from 520 to 2,048 people per square mile.[224] Township population densities range from six to 24 people per square mile.[225] County population densities range from about 43 to 87 people per square mile, with Steele County having the highest population density.[226] The county seat of Freeborn County is Albert Lea, about 11 miles southeast of the Project Area.[227] The county seat of Steele County is Owatonna, about 17 miles northeast of the Project Area.[228] The county seat of Waseca County is Waseca, about 15 miles north of the Project Area.[229]

141. The Project Area is rural in nature with an agricultural-based economy and will remain so after construction of the Project.[230] The areas surrounding each turbine may still be

[219] Minn. Stat. § 216E.03, subd. 7. Considerations (8) and (10) are omitted because they pertain only to proposed routes of high voltage transmission lines.
[220] Minn. R. 7854.1000, subp. 3.
[221] Minn. R. 7854.0500, subp. 7.
[222] Minn. R. 7854.0500, subp. 7 ("The analysis of the environmental impacts required by this subpart satisfies the environmental review requirements of chapter 4410, parts 7849.1000 to 7849.2100, and Minnesota Statutes, chapter 116D. No environmental assessment worksheet or environmental impact statement shall be required on a proposed LWECS project.").
[223] Ex. WPL-1 at 6 and 25 (Application).
[224] Ex. WPL-1 at 23 (Application).
[225] Ex. WPL-1 at 23 (Application).
[226] Ex. WPL-1 at 23 (Application).
[227] Ex. WPL-1 at 23 (Application).
[228] Ex. WPL-1 at 23 (Application).
[229] Ex. WPL-1 at 23 (Application).
[230] Ex. WPL-1 at 28 (Application).

farmed, and the temporary losses of agricultural land will be negated by the payments to the landowners from the Project.[231]

142. The closest turbine to a non-participating residence is 1,599.6 feet, and the closest turbine to a participating residence is 1,327.6 feet.[232] The Project is not anticipated to displace any current residences and will not significantly change the population size or demographics of the Project Area.[233]

143. The Project is not anticipated to impose adverse impacts on human settlement or change the demographics of the Project Area.[234]

B. Zoning and Land Use

144. The Project Area is primarily zoned for agricultural land uses within all three counties.[235] The Applicant has reviewed available local comprehensive plans and zoning within and adjacent to the Project Area, including Freeborn County, Waseca County, Steele County, the City of Hartland, and the six townships (Bath, Berlin, Byron, Freeborn, Hartland, and New Richland).[236] Freeborn County, Waseca County, and Steele County all have comprehensive plans and zoning ordinances.[237] The City of Hartland's zoning regulations extends into a portion of the Project Area, and although the city has zoning regulations, it does not have a comprehensive plan.[238] None of the townships within the Project Area have their own zoning regulations or comprehensive plans.[239]

145. Freeborn County's Comprehensive Land Use Policy Plan provides a set of policies applied to specific areas or land uses that are designed to guide the land use decisions for those areas and uses.[240] The Freeborn County Comprehensive Plan states that areas identified as agricultural land should be managed in a way to preserve that use and prevent a decline of agricultural uses.[241]

146. The Freeborn County's 2016-2021 Comprehensive Water Plan requires a three RD setback from wetland types 3, 4, and 5.[242] The Applicant has accommodated for such setbacks in its proposed layout for the Project.[243]

147. Waseca County's 2005 Comprehensive Land Use Plan focuses on growth and development issues for the next 20 years, or until approximately the year 2025.[244] Waseca

[231] Ex. WPL-1 at 28 (Application).
[232] Ex. WPL-1 at 40 (Application).
[233] Ex. WPL-1 at 26 (Application).
[234] Ex. WPL-1 at 28 (Application).
[235] Ex. WPL-1 at 29 (Application).
[236] Ex. WPL-1 at 29 (Application).
[237] Ex. WPL-1 at 29 (Application).
[238] Ex. WPL-1 at 29 (Application).
[239] Ex. WPL-1 at 29 (Application).
[240] Ex. WPL-1 at 30 (Application).
[241] Ex. WPL-1 at 30 (Application).
[242] Ex. WPL-1 at 30 (Application).
[243] Ex. WPL-1 at 30 (Application).
[244] Ex. WPL-1 at 30 (Application).

County currently separates land uses by nine zoning districts.[245] The "Agricultural District" is intended to provide a district that will retain suitable agricultural areas within the county; control scattered non-farm development, and secure economy in governmental expenditures for public services, utilities, and schools.[246] The Project abides by the 2005 Waseca County Comprehensive Land Use Plan which designated the Project Area as an Agricultural District as the Project does not prevent landowners from continuing to farm their land.[247] Additionally, portions of the Agricultural District have been designated as exclusive agricultural use zones (known as "Agricultural Covenant Parcels") by the Waseca County Farmland Preservation Plan, which is a part of the Minnesota Agricultural Land Preservation Program.[248] Agricultural Covenant Parcels must be at least 35 acres and qualify as prime or exclusive agricultural lands to be preserved and protected.[249] Although multiple Agricultural Covenant Parcels reside within the Project Area, the Project will not prevent landowners from continuing to farm their land.[250]

148. The Steele County Comprehensive Land Use Plan emphasizes the importance of promoting orderly development within or near population centers, while preserving and protecting the county's farmland and natural resources.[251] No Project facilities will be located within Steele County, and the Project will not prevent landowners from continuing to farm their land.[252]

149. While the Site Permit issued by the Commission supersedes local ordinances, the Applicant designed the Project to comply with the Freeborn County Renewable Energy Systems Ordinance,[253] Waseca County Zoning Ordinance,[254] Steele County Zoning Ordinance,[255] the City of Hartland Ordinances,[256] and other nearby municipal ordinances.[257]

150. The Project is generally consistent with county zoning requirements and comprehensive plans regarding siting of LWECS projects.[258] The Project Area occurs primarily within county-zoned agricultural districts.[259] All three counties allow commercial wind energy systems and meteorological towers as a conditional use within agricultural districts.[260]

151. The Project is not likely to impact future zoning and expansion of nearby municipalities and incorporated areas .[261] WPL has sited all Project infrastructure approximately two miles or more from municipalities and incorporated areas to minimize potential impacts on

[245] Ex. WPL-1 at 30 (Application).
[246] Ex. WPL-1 at 30 (Application).
[247] Ex. WPL-1 at 30 (Application).
[248] Ex. WPL-1 at 30 (Application).
[249] Ex. WPL-1 at 30 (Application).
[250] Ex. WPL-1 at 30 (Application).
[251] Ex. WPL-1 at 31 (Application).
[252] Ex. WPL-1 at 32 (Application).
[253] Ex. WPL-1 at 31-32 (Application).
[254] Ex. WPL-1 at 32 (Application).
[255] Ex. WPL-1 at 32 (Application).
[256] Ex. WPL-1 at 32 (Application).
[257] Ex. WPL-1 at 32 (Application).
[258] Ex. WPL-1 at 34 (Application).
[259] Ex. WPL-1 at 34 (Application).
[260] Ex. WPL-1 at 34 (Application).
[261] Ex. WPL-1 at 34 (Application).

future urban growth.[262] No Project infrastructure is proposed within regulated floodplain or shoreland overlay district.[263] Development of the Project will allow continued agricultural use within the Project Area.[264]

152. Temporary and permanent impacts to current land use are anticipated to occur from the construction of the Project.[265] Land use is primarily agricultural with 94 percent being used for row crops and pasture.[266] Temporary and permanent impacts to agricultural activities will include the removal of land from row crop production and pasture during the construction and operation of the Project.[267] Additionally, temporary and permanent impacts to pastureland are expected to be minimal and restricted to removing small amounts of land from agricultural use.[268]

153. The proposed Project is consistent with the zoning requirements and comprehensive plans for Freeborn, Steele, and Waseca counties and meets all setback requirements.[269] The Project is also unlikely to impact current or future zoning or expansion.[270]

C. Noise

154. "Noise" means "any sound not occurring in the natural environment, including, but not limited to, sounds emanating from aircraft and highways, and industrial, commercial, and residential sources."[271] The term "background or ambient noise" as described in the MPCA's Guide to Noise Control in Minnesota refers to all noise sources other than the noise source of concern.[272] Common background sound sources within an agricultural and/or rural environment include, but are not limited to, sound from farm equipment such as tractors and combines, sound generated from traffic on roadways, sounds from birds, and wind rustling through the vegetation.

155. LWECS, along with all other sources of man-made noise, must comply with the MPCA's Noise Standards found in Minn. R. Ch. 7030.[273] The MPCA Noise Standards regulate noise from the operation of the wind turbines and other project-related sources. The MPCA's Noise Standards limit the sound pressure level, measured in decibels, using the A-weighted scale ("dBA").[274] The Noise Standards specify both L_{10} and L_{50} limits for one-hour periods for daytime and nighttime hours.[275] L_{10} is the sound pressure level exceeded ten percent of the time for a one-

[262] Ex. WPL-1 at 34 (Application).
[263] Ex. WPL-1 at 34 (Application).
[264] Ex. WPL-1 at 34 (Application).
[265] Ex. WPL-1 at 34 (Application).
[266] Ex. WPL-1 at 34 (Application).
[267] Ex. WPL-1 at 34 (Application).
[268] Ex. WPL-1 at 34 (Application).
[269] Ex. WPL-1 at 34 (Application).
[270] Ex. WPL-1 at 34 (Application).
[271] Minn. Stat. § 116.06, subd. 15.
[272] MPCA "Guide to Noise Control in Minnesota" at 11 (Nov. 2025), available at: https://www.pca.state.mn.us/sites/default/files/p-gen6-01.pdf (accessed Nov. 24, 2025) [hereinafter "MPCA Noise Guide"].
[273] Minn. Stat. § 116.07(c) and § 216E.03, subd. 7(d) and Minn. R. Ch. 7030.
[274] Minn. R. 7030.0020 and 7030.0040.
[275] Minn. R. 7030.0040.

hour survey, and L_{50} is the sound pressure level exceeded 50 percent of the time for a one-hour survey.[276]

156. The MPCA Noise Standards are specific to the type of land use adjacent to the Project. The most stringent limits are for Noise Area Classification ("NAC") 1, which includes household units, including farm houses. In NAC 1, the nighttime noise limit is 50 dBA.[277] The MPCA Noise Standards also contain specific measurement procedures to be used for accurately measuring the noise from the source only, while taking care not to include noise from "background noise", which is defined as "any ambient noise other than the noise to be measured, including wind, precipitation, traffic, etc."[278]

157. The limits in the MPCA Noise Standards refer to total noise level, which includes both ambient noise and Project noise. The DOC-EERA's "Application Guidance for Site Permitting of Large Wind Energy Conversion Systems in Minnesota" states that "if background sound levels are equal to or greater than the applicable state standard at the nearby receptors, the windfarm should not contribute more than 47 dBA to total sound levels at nearby receptors."[279]

158. The primary noise sources from the Project are expected to be the wind turbines, the Project substation, and Project substation transformer.[280] The level of noise varies with the speed of the turbine and the distance of the listener from the turbine.[281] The Project Area consists of agricultural and residential land uses.[282] Non-Project noise sources in the Project vicinity include U.S. Interstate 35, local road traffic, and agricultural activity.[283]

159. As part of the Application, an operational noise impact evaluation of the Project was conducted, and a noise propagation model was run for the proposed Project layouts based on the two Vestas turbine models proposed in the Application and for two turbine layouts based on the two turbine models (Layout A (Vestas V136 – 112) and Layout B (Vestas V136 - 120)).[284] Noise propagation for each turbine was modeled using manufacturer noise data.[285] The noise propagation model was then used to predict levels at all noise sensitive receptors within 2 km of proposed Project infrastructure.[286] A hypothetical scenario was modeled including the primary 34 and all 4 alternate turbine locations.[287] In reality, if an alternate location is used, a corresponding primary location would be removed from the array, so this 38-turbine scenario is conservative.[288] The hypothetical 38-turbine layout resulted in a maximum project generated

[276] Minn. R. 7030.0020, subp. 7 and 8.
[277] Minn. R. 7030.0050, subp. 2.
[278] Minn. R. 7030.0060 and MPCA Noise Guide at 13.
[279] DOC-EERA "Application Guidance for Site Permitting of Large Wind Energy Conversion Systems in Minnesota" at 10 (June 2022), available at: https://eera.web.commerce.state.mn.us/eera/web/project-file/12221 (accessed Nov. 24, 2025).
[280] Ex. WPL-1 at 37 (Application).
[281] Ex. WPL-1 at 37 (Application).
[282] Ex. WPL-1 at Appendix C at 5 (Application).
[283] Ex. WPL-1 at 37 (Application).
[284] Ex. WPL-1 at Appendix C at 3 (Application).
[285] Ex. WPL-1 at Appendix C at 3 (Application).
[286] Ex. WPL-1 at Appendix C at 3 (Application).
[287] Ex. WPL-1 at Appendix C at 3 (Application).
[288] Ex. WPL-1 at Appendix C at 3 (Application).

noise level of 45.5 dBA for Layout A and 45.4 dBA for Layout B.[289] As predicted Project noise levels for the hypothetical 38-turbine layout (including 4 alternates) do not exceed the maximum turbine-only noise level contribution of 47 dBA, a final layout including any combination of alternates and primary turbine locations is expected to have similar or lower turbine-only noise level contributions.[290]

160. In Direct Testimony, WPL provided noise modeling for the Nordex 4.8 MW-N133 turbine.[291] These modeling results indicated the highest predicted Project noise contribution is 44.7 dBa for the Nordex 4.8 MW-N133 turbine.[292]

161. Noise levels for the proposed Project do not exceed the maximum turbine-only noise level contribution of 47 dBA.[293]

162. The record demonstrates the Project has minimized impacts from noise. The Draft Site Permit contains adequate conditions to monitor and mitigate the noise from the Project.[294] Section 4.3 of the Draft Site Permit requires turbines to be placed in appropriate locations to ensure compliance with the MPCA Noise Standards.[295] Section 7.4 similarly requires the Applicant to develop a post-construction noise monitoring protocol and conduct a noise study utilizing such protocol within 18 months of commencing commercial operation of the Project.[296]

D. Shadow Flicker

163. Shadow flicker is defined as an intermittent change in the intensity of light in an area resulting from the operation of a wind turbine due to its interaction with the sun.[297] In order for shadow flicker to occur, three conditions must be present: (1) the sun must be shining with no clouds to obscure it; (2) the rotor blades must be spinning and must be located between the receptor and the sun; and (3) the receptor must be sufficiently close to the turbine to be able to distinguish a shadow created by it.[298]

164. Shadow flicker intensity and frequency at a given receptor are determined by a number of interacting factors, including: sun angle and sun path, turbine and receptor locations, cloud cover and degree of visibility, wind direction, wind speed, obstacles, contrast, and local topography.[299] Shadow flicker from the proposed turbines is not harmful to the health of photosensitive individuals.[300]

[289] Ex. WPL-1 at Appendix C at 3 (Application).
[290] Ex. WPL-1 at Appendix C at 3 (Application).
[291] Ex. WPL-5 at Schedule 2 (Galante Direct).
[292] Ex. WPL-5 at 6 (Galante Direct).
[293] Ex. WPL-1 at 38 (Application).
[294] Ex. PUC-23 at 4 (Draft Site Permit).
[295] Ex. PUC-23 at 4 (Draft Site Permit).
[296] Ex. PUC-23 at 19 (Draft Site Permit).
[297] Ex. WPL-1 at 44 (Application).
[298] Ex. WPL-1 at 44 (Application).
[299] Ex. WPL-1 at 44 (Application).
[300] Ex. WPL-1 at 44 (Application).

165. Currently, shadow flicker impacts are not regulated by state or federal law;[301] however, Section 7.2 of the Draft Site Permit requires a Shadow Flicker Management Plan to be prepared if the shadow flicker modeling report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time the Site Permit is issued.[302]

166. On behalf of WPL, Westwood completed a shadow flicker impact assessment for the range of hub heights considered in the Application.[303] Both layouts included the 38 Vestas V136 4.5MW wind turbines; one with a hub height of 112 meters (368 feet) and the other with a hub height of 120 meters (394 feet) above ground level.[304] To meet setbacks, some turbine coordinates differ between layouts.[305]

167. Under the Vestas V136 112-meter hub height turbine layout, 146 shadow receptors are not expected to experience shadow flicker and 96 shadow receptors are expected to experience no more than 30 hours of shadow flicker per year.[306] Of the remaining eight shadow receptors registering above 30 hours per year, the maximum expected impact is 48 hours and 38 minutes.[307]

168. Under the Vestas V136 120-meter hub height turbine layout, 147 shadow receptors are not expected to experience shadow flicker and 95 shadow receptors are expected to experience no more than 30 hours of shadow flicker per year.[308] Of the remaining eight shadow receptors registering above 30 hours per year, the maximum expected impact is 49 hours and 0 minutes.[309]

169. In Direct Testimony, WPL provided a shadow flicker impact assessment for the Nordex 4.8 MW-N133 turbine.[310] For the new proposed Nordex turbine, alternate turbine locations were modeled to cause greater than 30 hours of shadow flicker a year at eight receptors – the same as the Vestas V136-120 turbine.[311]

170. For both Vestas layouts and the Nordex layout, there are eight receptors that are modeled to receive greater than 30 hours of shadow flicker a year from the alternative turbine locations.[312] No exceedance is expected at receptors when only the primary turbine locations are included in the modeling, regardless of the turbine model selected.[313] If any final turbine locations lead to more than 30 hours of shadow flicker per year on a residence, the Applicant

[301] Ex. WPL-1 at 44 (Application).
[302] Ex. PUC-23 at 13-14 (Draft Site Permit).
[303] Ex. WPL-1 at Appendix C (Application).
[304] Ex. WPL-1 at 44 (Application).
[305] Ex. WPL-1 at 44 (Application).
[306] Ex. WPL-1 at 44 (Application).
[307] Ex. WPL-1 at 44 (Application).
[308] Ex. WPL-1 at 44 (Application).
[309] Ex. WPL-1 at 44 (Application).
[310] Ex. WPL-5 at Schedule 3 (Galante Direct).
[311] Ex. WPL-5 at 5 (Galante Direct).
[312] Ex. WPL-1 at 45 (Application); Ex. WPL-5 at 5-6 (Galante Direct).
[313] Ex. WPL-5 at 6-7 (Galante Direct).

will prepare a Shadow Flicker Management Plan as required by Section 7.2 of the Draft Site Permit.[314]

171. The record demonstrates that the Project has taken steps to avoid and minimize impacts from shadow flicker. Further, Section 7.2 of the Draft Site Permit requires the Applicant to file a Shadow Flicker Modeling Report with the Commission with the predicted number of hours of shadow flicker at each existing residence in-place at the time of the Site Permit issuance.[315] If the Shadow Flicker Modeling Report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time of this site permit issuance, then the Applicant must file a Shadow Flicker Management Plan with the Commission. The Shadow Flicker Management Plan must describe how the permittee will minimize and mitigate the shadow flicker exposure and the permittee must communicate and enter into new agreements with landowners that are predicted to experience more than 30 hours of shadow flicker per year.[316]

E. Aesthetic

172. The existing landscape of the Project Area is relatively flat with gently rolling hills with elevations that range from approximately 1,176 to 1,350 feet above sea level.[317] The landscape can be classified as rural open space.[318]

173. Viewsheds in the Project Area are generally broad and uninterrupted, with only small, scattered areas where they are interrupted by trees or topography.[319] The settlements in the vicinity are residences and farm buildings (inhabited and uninhabited farmsteads) scattered along rural county roads.[320] The Project Area is also shaped by a built environment, including cemeteries and a community solar garden.[321] Horizontal elements, such as highways, county roads, and a railroad, are consistent with the long and open viewsheds in the area.[322] Vertical elements such as existing wind turbines, overhead transmission lines, and communication towers are visible from considerable distances and are the tallest and often the most dominant visual feature on the landscape.[323] Additionally, numerous electrical distribution lines parallel some roads that contribute to the existing visual elements.[324]

174. There are two commercial wind farms within 10 miles of the Project Area and one existing 69 kilovolt transmission line, and numerous distribution lines. The Bent Tree Wind Farm is immediately south of the Project Area and consists of 122 Vestas V82 turbines with a RD of 82 meters (269 feet). The Oak Glen Wind Project is about 9.5 miles northeast of the Project Area and contains 24 Vestas V90 turbines with a RD of 90 meters (295.3 feet).

[314] Ex. WPL-1 at 45 (Application).
[315] Ex. PUC-23 at 18-19 (Draft Site Permit).
[316] Ex. PUC-23 at 18-19 (Draft Site Permit).
[317] Ex. WPL-1 at 40 (Application).
[318] Ex. WPL-1 at 40 (Application).
[319] Ex. WPL-1 at 41 (Application).
[320] Ex. WPL-1 at 41 (Application).
[321] Ex. WPL-1 at 41 (Application).
[322] Ex. WPL-1 at 41 (Application).
[323] Ex. WPL-1 at 41 (Application).
[324] Ex. WPL-1 at 41 (Application).

175. Visual impacts on public resources during construction will depend on the construction activity and proximity to the public resource.[325] For example, site clearing and grading would be visible within one to two miles from the Project, but turbine erection would be visible from longer distances due to the height of the crane and towers.[326] Visual impacts as well as temporary alteration of the land within the construction areas would be short-term and only for the duration of construction.[327]

176. After construction, Project infrastructure, including the up to 34 turbines, the Project substation, permanent meteorological towers, and ADLS tower will create new human-made features visible throughout the landscape.[328]

177. Residents near the Project may be accustomed to existing turbines, but the Project will add to the cumulative visual impacts by adding up to 34 new turbines in the area.[329] The closest turbine to a non-participant resident is 1,599.6 feet, and the closest turbine to a participating residence is 1,327.6 feet.[330]

178. The Project may be located within the viewshed of MnDNR managed Wildlife Management Areas ("WMAs"), United States Fish and Wildlife Services ("USFWS") Waterfowl Production Areas ("WPAs"), and other local natural resource areas.[331] There are 15 WMAs and seven WPAs within 10 miles of the Project Area, and none of these public lands are within the Project Area.[332]

179. The turbines will alter the visual character of the landscape near the Project Area.[333] The new turbines will likely be viewed as a visual disruption; as generally compatible with the rural agricultural heritage of the area, which includes wind turbines, silos, and grain elevators; or as adding a positive aesthetic quality to the landscape.[334] The installation of wind turbines will not significantly alter the character of the regional landscape given the presence of existing wind farms in the vicinity; however, the degree of visual impact will vary based on the type of observer and individual preference.[335]

180. To minimize aesthetic impacts, wind turbines will exhibit visual uniformity in the shape, color, and size of rotor blades, nacelles, and towers.[336] The collection cables or lines will be buried, ancillary buildings will use a low-profile design, and turbine foundations and roads will be designed to minimize and balance cuts and fills.[337] Facilities, structures, and roads will be located on stable fertile soils, and lighting for facilities will not exceed the minimum required

[325] Ex. WPL-1 at 42 (Application).
[326] Ex. WPL-1 at 42 (Application).
[327] Ex. WPL-1 at 43 (Application).
[328] Ex. WPL-1 at 43 (Application).
[329] Ex. WPL-1 at 42 (Application).
[330] Ex. WPL-1 at 42 (Application).
[331] Ex. WPL-1 at 41 (Application).
[332] Ex. WPL-1 at 41 (Application).
[333] Ex. WPL-1 at 43 (Application).
[334] Ex. WPL-1 at 43 (Application).
[335] Ex. WPL-1 at 43 (Application).
[336] Ex. WPL-1 at 43 (Application).
[337] Ex. WPL-1 at 43 (Application).

for safety and security.[338] The installed ADLS[339] will include lights that are off until aircraft approach.[340]

F. Local Economy

181. The Project will result in both short- and long-term benefits to the local economy.[341]

182. During construction, the Project is expected to support 100 to 150 temporary jobs. Over the duration of construction (approximately eight to nine months), these employees will live in or around Freeborn County and surrounding communities.[342] These temporary construction jobs will generate indirect economic benefits as employees spend their income on local goods and services and pay county and local sales tax.[343]

183. During the operation of the Project, which is expected to be 30 years, the Project will support approximately two to three permanent employees.[344]

184. The Project will also create new local job opportunities for various trade professionals that live and work in the area such as a local contractors for gravel, fill, and civil work.[345]

185. The Project will also have a long-term beneficial impact on the local tax base.[346] The Project will pay a Wind Energy Production tax to the local units of government of $0.0012 per kilowatt-hour ($1.20 MWh) of electricity produced, resulting in an annual tax payment of approximately $19,000 per turbine per year, or up to $650,000 per year if all 34 turbines are constructed.[347] These revenue estimates are based on a 41 percent capacity factor and are split 80 percent to Freeborn County and 20 percent to the townships.[348] The actual production will determine the final Wind Energy Production Tax in a given year. [349] Freeborn County and the local townships will benefit from this new tax revenue and can use it to fund their services, particularly road maintenance.[350]

[338] Ex. WPL-1 at 43-44 (Application).
[339] With this radar system, turbine lighting (synchronized flashing red lights) is off until the radar detects an aircraft within a prescribed distance to the Project, at which time, the blinking red lights turn on. After the aircraft is safely beyond the Project, the blinking lights are again turned off.
[340] Ex. WPL-1 at 44 (Application).
[341] Ex. WPL-1 at 73 (Application).
[342] Ex. WPL-1 at 27 (Application).
[343] Ex. WPL-1 at 27 (Application).
[344] Ex. WPL-1 at 27 (Application).
[345] Ex. WPL-1 at 28 (Application).
[346] Ex. WPL-1 at 73 (Application).
[347] Ex. WPL-1 at 73 (Application).
[348] Ex. WPL-1 at 73 (Application).
[349] Ex. WPL-1 at 73 (Application).
[350] Ex. WPL-1 at 73 (Application).

186. Landowners participating in the Project will benefit from annual lease payments that will offset potential financial losses associated with removing a small portion (1 to 2 acres) of their land from agricultural production.[351]

187. The record demonstrates that the Project will result in both short- and long-term benefits to the local economy.[352]

G. Public Health and Safety

188. The term electromagnetic field ("EMF") refers to electric and magnetic fields that are present around any electrical device.[353] Electric fields arise from the voltage or electrical charges, and magnetic fields arise from the flow of electricity or current that travels along transmission lines, power collection lines, substation transformers, house wiring, and electrical appliances.[354]

189. The intensity of the electric field is related to the voltage of the line and the intensity of the magnetic field is related to the current flow through the conductors (wire). EMF can occur indoors and outdoors.[355] EMF from electrical collection lines, regardless of whether they are below-ground or above-ground, transmission lines, or transformers, dissipates rapidly with distance from the source.[356]

190. Sources of EMF from the Project include the underground power cable and electrical collection system, wind turbine transformers, and the Project substation transformer.[357]

191. Extensive scientific research has repeatedly found there is insufficient evidence to demonstrate a causal relationship between EMF exposure and any human health effects.[358] Based upon current research regarding EMFs, and the separation distances being maintained between wind turbines, and electrical collection system and public access and occupied homes, EMFs associated with the Project are not expected to have an impact on public health and safety.[359] ~~Electrical equipment will be grounded per American National Standards Institute ("ANSI") and National Electrical Safety Code ("NESC") guidelines to maintain safety and reliability.~~[360]

192. Stray voltage generally refers to the voltage between the grounded neutral of a distribution system and the earth.[361] Stray voltage poses a concern in agricultural areas, particularly dairy farms, as it involves the unintentional transfer of electricity between two

[351] Ex. WPL-1 at 28 (Application).
[352] Ex. WPL-1 at 28 and 73 (Application).
[353] Ex. WPL-1 at 61 (Application).
[354] Ex. WPL-1 at 61 (Application).
[355] Ex. WPL-1 at 61 (Application).
[356] Ex. WPL-1 at 61 (Application).
[357] Ex. WPL-1 at 61 (Application).
[358] Ex. WPL-1 at 62 (Application).
[359] Ex. WPL-1 at 63 (Application).
[360] ~~Ex. WPL-1 at 63 (Application).~~
[361] Ex. WPL-1 at 63 (Application).

grounded objects.[362] This issue is typically caused by improperly grounded electrical equipment in farm buildings or a faulty utility connection.[363]

193. Most instances of stray voltage can be traced to unbalanced currents in distribution circuits when the currents in the three phase conductors are not all equal.[364] WPL's collector's circuits are inherently balanced, so no appreciable neutral-to-earth voltage is expected. There will be no connection between WPL's collection system and the local distribution system.[365] Furthermore, while some circuits may be parallel, no interaction or stray voltage from the Project's electrical system is anticipated to impact existing distribution facilities or the proposed transmission line.[366] ~~All electrical components in the Project will be grounded in accordance with state and national electrical codes~~ Electrical equipment will be grounded per American National Standards Institute ("ANSI") and National Electrical Safety Code ("NESC") guidelines to maintain safety and reliability.[367] ~~[368]~~ Thereby, the potential for stray voltage, as a result of the Project, will be negligible.[369]

194. Further, the Draft Site Permit also contains conditions related to public safety. The Draft Site Permit requires the permittee to implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access.[370] The permittee is also required to submit the location of all underground facilities to Gopher State One Call following completion of the Project.[371]

195. The record demonstrates that Project does not pose a risk to public health or safety.[372] Further, the Applicant has taken steps to minimize and mitigate potential impacts, and the Draft Site Permit contains conditions to adequately monitor, minimize, and mitigate potential impacts.[373]

H. Public Services and Infrastructure

196. The Project is located in a low-populated, predominantly rural and agricultural area in south-central Minnesota.[374] The largest city in the Project vicinity is New Richland, which is located approximately 2.5 miles north of the northern border of the Project.[375] Public services supporting rural residences and farmsteads within the Project Area include transportation/roadways, electric, and telephone/telecommunications.[376]

---

[362] Ex. WPL-1 at 63 (Application).
[363] Ex. WPL-1 at 63 (Application).
[364] Ex. WPL-1 at 63 (Application).
[365] Ex. WPL-1 at 63 (Application).
[366] Ex. WPL-1 at 63 (Application).
[367] Ex. WPL-1 at 63 (Application).
[368] ~~Ex. WPL-1 at 63 (Application).~~
[369] Ex. WPL-1 at 64 (Application).
[370] Ex. PUC-23 at 15 (Draft Site Permit).
[371] Ex. PUC-23 at 15 (Draft Site Permit).
[372] Ex. WPL-1 at 64 (Application).
[373] Ex. WPL-1 at 64 (Application).
[374] Ex. WPL-1 at 45 (Application).
[375] Ex. WPL-1 at 45 (Application).
[376] Ex. WPL-1 at 45 (Application).

197. The Project is expected to have minimal effect on the existing public services and infrastructure.[377] The Project is designed to have temporary effects on the existing infrastructure during Project construction and operations.[378]

198. During construction, there will be temporary impacts on public roads within the Project Area and local roads may experience an increase in daily traffic of between 100 and 150 trips per day.[379] The Applicant will coordinate with the applicable local and state road jurisdictional authorities to ensure that the increased traffic and additional weights being applied to area roads are acceptable, and to obtain all relevant permits for access and utility installation.[380] WPL will also work closely with the landowners in the placement of access roads to minimize land use disruptions during construction and operation of the Project to the extent possible.[381] Further, the Applicant will promptly repair private roads or lands damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.[382]

199. The Applicant contracted Comsearch to assess potential interference with microwave paths and Fresnel zones, AM/FM radio broadcasts, land mobile and emergency services, and off-air television, and Doppler and NEXRAD systems based on a 120-meter hub height turbine.[383] The assessment produced by Comsearch confirmed that the Project would not negatively interfere with microwave beam paths, AM/FM radio, land mobile and emergency services, Doppler and NEXRAD, and local emergency services.[384]

200. Construction and operation of wind turbines has the potential to impact television reception as a result of an obstruction in the line of sight between residents relying on digital antennas for television reception and the television station antennas.[385] Television receptions at homes relying on cable or satellite television service will not be impacted by construction or operation of the Project.[386] If interference to a residence's or business's television service is reported to the Applicant, the Applicant will work with affected parties to determine the cause of interference and, when necessary, reestablish television reception and service.[387]

201. The Draft Site Permit adequately addresses potential communication interference by requiring the Applicant to submit to the Commission an Interference Assessment of television and radio signal reception, microwave signal patterns, and telecommunications prior to construction.[388]

[377] Ex. WPL-1 at 46 (Application).
[378] Ex. WPL-1 at 46 (Application).
[379] Ex. WPL-1 at 48 (Application).
[380] Ex. WPL-1 at 49 (Application).
[381] Ex. WPL-1 at 49 (Application).
[382] Ex. PUC-23 at 12-13 (Draft Site Permit).
[383] Ex. WPL-1 at 49 (Application).
[384] Ex. WPL-1 at 49-54 (Application).
[385] Ex. WPL-1 at 52 (Application).
[386] Ex. WPL-1 at 52 (Application).
[387] Ex. WPL-1 at 52 (Application).
[388] Ex. PUC-23 at 13-14 (Draft Site Permit).

202. The Draft Site Permit also states that the permittee "shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission (FCC) regulations or other law."[389] To the extent the Project causes such interference, the Draft Site Permit requires the permittee to take timely measures necessary to correct the problem.[390]

203. The record demonstrates that construction and operation of the Project is expected to have a minimal effect on existing public services and infrastructure in the Project Area.

I. Recreational Resources

204. Recreation opportunities in Freeborn, Waseca, and Steele~~, and Faribault~~ counties include hiking, biking, boating, fishing, camping, swimming, cross country skiing, snowmobiling, hunting, golfing, and nature viewing.[391]

205. There are no WMAs within the Project Area, but there are ten WMAs within ten miles of the Project Area boundary.[392] There are no scientific and natural areas, aquatic management areas, national wildlife refuges, and scenic rivers and byways within the Project Area or within 10 miles of the Project Area boundary.[393]

206. There are no waterfowl production areas within the Project Area, but there are eight waterfowl production areas located within 10 miles of the Project Area.[394]

207. There are approximately 12 miles of snowmobiles trails in the Project Area.[395] Several other county snowmobile trails connect to and branch out from the two snowmobile trails within 10 miles of the Project Area.[396] All turbines will be setback a minimum of 250 feet from the snowmobile trails.[397]

208. No state recreational trails are within the Project Area and one state recreational trail is within 10 miles of the Project Area.[398] No state water trails are located within the Project Area, and the nearest water trail is located approximately nine miles south of the Project Area.[399]

[389] Ex. PUC-23 at 13-14 (Draft Site Permit).
[390] Ex. PUC-23 at 13-14 (Draft Site Permit).
[391] Ex. WPL-1 at 57 (Application).
[392] Ex. WPL-1 at 57 -59 (Application).
[393] Ex. WPL-1 at 58 (Application).
[394] Ex. WPL-1 at 58 (Application).
[395] Ex. WPL-1 at 59 (Application).
[396] Ex. WPL-1 at 59 (Application).
[397] Ex. WPL-1 at 59 (Application).
[398] Ex. WPL-1 at 54 (Application).
[399] Ex. WPL-1 at 59 (Application).

209. There are no federal or state parks located within the Project Area.[400] There are four county parks and 17 city parks within 10 miles of the Project Area boundary.[401] There are four golf courses within 10 miles of the Project Area boundary.[402]

210. The Project has been designed to avoid direct impacts to recreational resources and public lands.[403] No turbines have been sited within public lands or designated recreational resources, such as county or city parks.[404] However, turbines located within the viewshed of land managed by the MnDNR and local parks may affect the aesthetic quality of those areas if other structures or features, such as trees or buildings, do not obstruct the turbines.[405] To the extent public resources are used at night, turbine lighting may be visible when the ADLS system detects aircraft in the vicinity.[406]

211. Depending upon the timing of construction activities, noise from construction activities could diminish the users experience of the snowmobile trails.[407] Construction of the Project may also require the temporary closing or relocating of part of the snowmobile trails to maintain the safety of construction personnel and recreationalists.[408] These impacts will be temporary as they will only occur during the construction of the Project.[409] The Draft Site Permit requires the permittee to coordinate with local snowmobile groups regarding potential Project related impacts to the snowmobile trails.[410] This coordination with local snowmobile groups includes discussions of potential construction timing and activities that could impact the snowmobile trails and potential trail rerouting needs.[411]

212. The design and mitigative measures described above will effectively minimize impacts such that the Project will not cause adverse impacts to recreational resources.[412] Based on the record, no significant impacts to recreational opportunities are anticipated.[413]

J. Land-Based Economics

213. Existing land-based economies in the Project Area are centralized around agriculture with small areas containing pasture lands for animal husbandry.[414] Freeborn County lists most property owners involved in agriculture as having parcels ranging from 40 to 180 acres each.[415]

---

[400] Ex. WPL-1 at 59 (Application).
[401] Ex. WPL-1 at 59 (Application).
[402] Ex. WPL-1 at 60 (Application).
[403] Ex. WPL-1 at 60 (Application).
[404] Ex. WPL-1 at 60 (Application).
[405] Ex. WPL-1 at 60 (Application).
[406] Ex. WPL-1 at 60 (Application).
[407] Ex. WPL-1 at 60 (Application).
[408] Ex. WPL-1 at 61 (Application).
[409] Ex. WPL-1 at 61 (Application).
[410] Ex. PUC-23 at 18 (Draft Site Permit).
[411] Ex. PUC-23 at 18 (Draft Site Permit).
[412] Ex. WPL-1 at 61 (Application).
[413] Ex. WPL-1 at 61 (Application).
[414] Ex. WPL-1 at 69 (Application).
[415] Ex. WPL-1 at 69 (Application).

214. Most of the Project Area is agricultural cropland.[416] Cultivated land comprises approximately 24,420 acres (94 percent) of the Project Area.[417]

215. The construction and operation of the Project will not significantly impact the current agricultural land use or character of the area.[418] Small portions of land will be removed from agricultural production at turbine locations and along proposed access roads (generally less than 1 to 2 acres per turbine).[419] Individual landowners will be able to continue to plant crops and graze livestock up to the turbine pads.[420] Agricultural practices may be impacted by creating altered maneuvering areas for agricultural equipment around turbine structures and access roads, but access roads have been designed with landowner input for minimal agricultural impact.[421]

216. If construction activities are executed outside of winter months, temporary impacts to agriculture fields may occur.[422] These temporary impacts may include limited planting opportunity, crop damage, drain tile damage, and soil compaction.[423]

217. About 85 percent of the soil within the Project Area is considered prime farmland.[424] Construction of the Project will reduce the amount of land that can be cultivated.[425] Approximately 0.2 percent of the Project Area will be converted to non-agricultural land use.[426] Similarly, approximately 57.5 acres (0.2 percent) will be converted out of prime farmland.[427] This will not significantly alter crop production in the Project Area or surrounding area.[428]

218. Revenue lost from the removal of land from agricultural production will be more than offset by lease payments to landowners hosting the Project facilities.[429] Land agreements with property owners address agricultural impacts such as crop damage, soil compaction, and drain tile repairs.[430] The Applicant will coordinate with property owners to identify features on their property, including drain tile, that can be avoided.[431]

219. The Draft Site Permit contains provisions related to agriculture. For example, Section 5.3.19 requires the permittee to take all precautions to protect livestock during all phases of the Project's life and Section 5.3.21 requires the permittee to repair all damaged drainage

[416] Ex. WPL-1 at 69 (Application).
[417] Ex. WPL-1 at 69 (Application).
[418] Ex. WPL-1 at 70 (Application).
[419] Ex. WPL-1 at 70 (Application).
[420] Ex. WPL-1 at 70 (Application).
[421] Ex. WPL-1 at 70 (Application).
[422] Ex. WPL-1 at 70 (Application).
[423] Ex. WPL-1 at 70 (Application).
[424] Ex. WPL-1 at 70 (Application).
[425] Ex. WPL-1 at 70 (Application).
[426] Ex. WPL-1 at 70 (Application).
[427] Ex. WPL-1 at 70 (Application).
[428] Ex. WPL-1 at 70 (Application).
[429] Ex. WPL-1 at 70 (Application).
[430] Ex. WPL-1 at 70 (Application).
[431] Ex. WPL-1 at 71 (Application).

tiles.[432] An agricultural impact mitigation plan (AIMP) is a required pre-construction filing under site permit special condition 6.5.

220. No commercial or industrial forestry resources are located within the Project Area.[433] There are also no active mining operations located within the Project Area.[434]

221. The Project Area and surrounding area have little tourism and associated industries with most attractions located in the City of Albert Lea, approximately 10.5 miles away.[435] There are no expected impacts to tourism in the Project Area or in the surrounding area due to the construction of the Project.[436]

222. The proposed mitigative measures will effectively avoid and minimize impacts such that the Project will not result in unavoidable adverse impacts to land-based economies.[437]

K. Archaeological and Historical Resources

223. The Project Area is located in Minnesota Archaeological Region 2e – Prairie Lake East.[438] The Applicant hired Westwood to conduct a Phase Ia Cultural Resources Literature Review of records at the Minnesota SHPO and the Office of the State Archaeologist ("OSA") within a one-mile buffer surrounding the Project Area.[439]

224. A review of the existing cultural resource data indicates that there is one previously documented archaeological site and 18 inventoried historical/architectural resources within the proposed Project Area.[440] Additionally, five archaeological sites and five historical/architectural resources have been inventoried in the one-mile buffer surrounding the Project Area.[441] No previously inventoried historical resources, within one mile of the Project Area, are Listed or Eligible for listing in the NRHP.[442]

225. Information regarding the location of previously documented cultural resource sites was taken into consideration during initial Project design.[443] WPL has designed the Project to avoid any impacts to previously documented archaeological or historical architectural resources.[444] As such, no impacts to previously documented archaeological or historical architectural resources would occur as a result of the construction of the Project.[445]

[432] Ex. PUC-23 at 14 (Draft Site Permit).
[433] Ex. WPL-1 at 71 (Application).
[434] Ex. WPL-1 at 71 (Application).
[435] Ex. WPL-1 at 71 (Application).
[436] Ex. WPL-1 at 72 (Application).
[437] Ex. WPL-1 at 69-72 (Application).
[438] Ex. WPL-1 at 54 (Application).
[439] Ex. WPL-1 at 54 (Application).
[440] Ex. WPL-1 at 56 (Application).
[441] Ex. WPL-1 at 56 (Application).
[442] Ex. WPL-1 at 56 (Application).
[443] Ex. WPL-1 at 56 (Application).
[444] Ex. WPL-1 at 56 (Application).
[445] Ex. WPL-1 at 56 (Application).

226. The Draft Site Permit requires the permittee to make "every effort to avoid impacts to archeological and historical resources."[446] In the event that a resource is encountered, the Draft Site Permit requires the permittee to consult with SHPO and the State Archaeologist. Where feasible, avoidance of the resource is required.[447] Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.[448]

227. In addition, the Draft Site Permit requires the permittee to train workers, prior to construction, about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction.[449]

228. The record demonstrates that the Project design and mitigative measures described above will effectively avoid and minimize impacts such that the Project will not cause adverse impacts to archaeological and historical resources.[450]

L. Aviation

229. There are no public or private airports located within the Project Area.[451] There is one active public airport and one private heliport within 10 miles of the Project Area boundary.[452] There are also no known commercial air services, commercial operators with an aerial spraying or dusting license with an associated city, operating within the Project Area.[453]

230. Aside from air traffic associated with public and private airports and heliports, the Project Area may experience additional aerial activities related to crop dusting in agricultural fields.[454] Military airspace and training routes do not overlie the Project Area.[455]

231. The closest public airport to the proposed Project is the Albert Lea Municipal Airport, located approximately 8.5 miles south of the Project Area.[456] The Project does not fall within the Albert Lea Municipal Airport's area of influence.[457]

232. The Project will be submitted to the FAA for an aeronautical study to identify obstacle clearance surfaces that could limit the placement of wind turbines.[458] The result of the aeronautical study is the issuance of a Determination of Hazard or No Hazard.[459] A Tall Towers

[446] Ex. PUC-23 at 13 (Draft Site Permit).
[447] Ex. PUC-23 at 13 (Draft Site Permit).
[448] Ex. PUC-23 at 13 (Draft Site Permit).
[449] Ex. PUC-23 at 13 (Draft Site Permit).
[450] Ex. WPL-1 at 56 (Application); Ex. PUC-23 at 13 (Draft Site Permit).
[451] Ex. WPL-1 at 64 (Application).
[452] Ex. WPL-1 at 64 (Application).
[453] Ex. WPL-1 at 64 (Application).
[454] Ex. WPL-1 at 64 (Application).
[455] Ex. WPL-1 at 64 (Application).
[456] Ex. WPL-1 at 64 (Application).
[457] Ex. WPL-1 at 64-65 (Application).
[458] Ex. WPL-1 at 65 (Application).
[459] Ex. WPL-1 at 65 (Application).

Permit will be required by MnDOT prior to construction of the Project to maintain the safety of airspace in Minnesota.[460]

233. The Applicant, utilizing the FAA's established 7460-1 Notice of Proposed Construction review process, will work with potentially impacted entities, which could include the City of Albert Lea, Albert Lea Municipal Airport, MnDOT Aeronautics and Aviation, the National Telecommunications and Information Administration, the United States Department of Defense, and the FAA to identify and address any identified potential impacts by the Project on safety corridors and low altitude airways.[461] The Applicant will make adjustments to proposed turbine locations to avoid conflicts between these locations and air traffic, to ensure the issuance of a Determination of No Hazard by the FAA.[462] WPL will notify local airports about the Project and new turbines in the area to reduce the risk to crop dusters.[463]

234. The Draft Site Permit requires that no wind turbines or associated facilities should be placed in a location that could create an obstruction to a navigable airspace of private and public airports.[464] It also requires the Applicant to notify owners of all known airports within six miles of the Project of the anticipated construction start date.[465]

235. The record demonstrates that WPL has taken steps to minimize and mitigate impacts to aviation.[466]

M. Wildlife

236. The Project Area consists of mostly agricultural land, with inclusions of grassland/hay/pasture, forest, and wetlands and waterways that provide suitable habitat for a variety of common wildlife species.[467] Wildlife in the Project Area consists of birds, mammals, fish, reptiles, amphibians, and insects, both resident and migratory, which use the Project Area habitat for forage, breeding, and/or shelter.[468]

237. The Project has completed Tier 1, 2, and 3 wildlife studies consistent with the USFWS Land-Base Wind Energy Guidelines ("WEGs"), which are voluntary guidelines that provide a structured, scientific process for addressing wildlife conservation concerns at all stages of land-based wind energy development.[469]

238. Tier 1 and 2 studies include preliminary site evaluation and site characterization to identify and characterize habitat and biological resources present within and surrounding the Project Area, as well as summarize the potential species of concern and sensitive ecological areas

[460] Ex. WPL-1 at 65 (Application).
[461] Ex. WPL-1 at 65-66 (Application).
[462] Ex. WPL-1 at 66 (Application).
[463] Ex. WPL-1 at 66 (Application).
[464] Ex. PUC-23 at 6 (Draft Site Permit).
[465] Ex. PUC-23 at 6 (Draft Site Permit).
[466] Ex. WPL-1 at 66 (Application).
[467] Ex. PUC-23 at 16 (Draft Site Permit).
[468] Ex. WPL-1 at 87-88 (Application).
[469] Ex. WPL-1 at 89 (Application).

in the region.[470] Results of the Tier 1 and Tier 2 site evaluation and characterization are incorporated into the Project's Bird and Bat Conservation Strategy.[471]

239. Tier 3 wildlife surveys were conducted to further evaluate wildlife usage throughout the Project Area.[472] Tier 3 studies include more extensive field surveys to document site wildlife conditions, which entails site-specific assessments at the proposed project site using quantitative and scientifically rigorous studies such as acoustical monitoring, avian surveys, and nest surveys.[473] These studies followed the Tier 3 approach outlined in the WEGs and the Avian and Bat Survey Protocols for LWECS in Minnesota as established by the MnDNR and the Department of Commerce.[474] Eagle surveys followed the recommendations from the WEGs, the USFWS 2013 Eagle Conservation Plan Guidance, and the USFWS 2020 Updated Eagle Nest Survey Protocol.[475] The specific wildlife studies conducted by WPL were summarized in Table 8-29 of Application.[476]

240. While the wildlife surveys were conducted for the Vestas turbine specifications and layouts, the Nordex turbine will have comparable environmental impacts to the Vestas turbines.[477]

241. WPL is planning to conduct post-construction monitoring surveys for potential direct impacts to birds and bats in accordance with the Tier 4 guidance from the USFWS and will adhere to the standards set by the MnDNR and the DOC-EERA.[478]

242. The Project Area is dominated by agricultural uses (cultivated cropland). The potential for habitat fragmentation impacts is low because the Project is sited on a previously disturbed landscape, particularly where turbines and facilities will be located.[479]

243. Based on studies of existing wind energy projects in the United States and Europe, the impact to wildlife would primarily occur to avian and bat populations.[480] The Project is likely to result in similar impacts to bird and bat species that have been documented at the existing Bent Tree Wind Farm and other wind farms on agricultural land within southern Minnesota.[481]

244. The Project may pose a risk for bald eagles, but the Applicant is assessing options for eagle permits to ensure compliance with Bald and Gold Eagle Protection Act, including the potential option of pursuing an Eagle Incidental Take – Wind (Utility) General Permit for the Project, given the Project will meet the General Permit eligibility criteria.[482] During pre-

[470] Ex. WPL-1 at 90 (Application).
[471] Ex. WPL-1 at 90 (Application).
[472] Ex. WPL-1 at 90 (Application).
[473] Ex. WPL-1 at 90 (Application).
[474] Ex. WPL-1 at 90 (Application).
[475] Ex. WPL-1 at 90 (Application).
[476] Ex. WPL-1 at 91 (Application).
[477] Ex. WPL-5 at 7 (Galante Direct).
[478] Ex. WPL-1 at 94 (Application).
[479] Ex. WPL-1 at 95 (Application).
[480] Ex. WPL-1 at 95 (Application).
[481] Ex. WPL-1 at 95 (Application).
[482] Ex. WPL-1 at 97 (Application).

construction surveys, bald eagles were observed throughout all seasons, but their use of the Project Area was generally concentrated to the southern portion of the Project Area.[483] No golden eagles were identified within the Project Area during the avian use survey.[484]Additionally, eagle post-construction fatality monitoring ("PCM") surveys were conducted at the existing Bent Tree Wind Farm, located south of the proposed Project, from February 8 to May 15, 2020.[485] No eagle fatalities were observed during this PCM survey or incidentally by WPL staff.[486]

245. Potential unavoidable impacts from the Project on bats are expected to be similar to the post-construction fatality rates of similar wind facilities in southern Minnesota, based on the similar land uses within the Project Area, geographic proximity of the projects, and similarities in species composition.[487] Migratory tree-roosting bats (e.g., hoary bat, silver-haired bat, and eastern red bat), which were detected during the Project's pre-construction studies, may have the highest risk of collision based on previous bat fatality studies.[488] Overall, risk of mortality to bats in the Project Area is likely to be greatest on nights during fall migration, when the number of bats moving through the area are the highest.[489] Based on the results of post-construction monitoring at Bent Tree Wind Farm, estimated bat fatality rates at Bent Tree North Wind Farm would be expected to be around 9.92 bats/MW/year.[490]

246. Section 7.5 of the Draft Site Permit requires the Applicant to use a qualified third party to conduct a minimum of two full years of avian and bat fatality monitoring.[491] The Draft Site Permit also requires an ABPP with quarterly avian and bat incident reports, and an immediate avian and bat incident notification should the Applicant discover specific wildlife fatalities.[492]

247. Section 7.1 of the Draft Site Permit also requires the Applicant to work in consultation with the MnDNR to design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forest, wetlands, and any other biologically sensitive areas within the Project Area and assess the presence of state- or federally-listed or threatened species.[493]

248. To minimize and/or avoid potential impacts to wildlife in the Project Area during Project design, construction, and operation, the Applicant will implement various mitigation measures as detailed in the Application.[494]

N. Rare and Unique Natural Resources

[483] Ex. WPL-1 at 96 (Application).
[484] Ex. WPL-1 at 96 (Application).
[485] Ex. WPL-1 at 96 (Application).
[486] Ex. WPL-1 at 96 (Application).
[487] Ex. WPL-1 at 97 (Application).
[488] Ex. WPL-1 at 97 (Application).
[489] Ex. WPL-1 at 97 (Application).
[490] Ex. WPL-1 at 97 (Application).
[491] Ex. PUC-23 at 20 (Draft Site Permit).
[492] Ex. PUC-23 at 20-21 (Draft Site Permit).
[493] Ex. PUC-23 at 18 (Draft Site Permit).
[494] Ex. WPL-1 at 98-99 (Application).

249. The USFWS identified six federally protected species and the MnDNR Natural Heritage Information System identified 19 federal and/or state-listed threatened, endangered, special concern species as potentially occurring within the Project Area and surrounding region.[495]

250. Five sites of biodiversity significance were mapped within the Project Area and three sites of biodiversity significance were classified as having "moderate" levels of biodiversity along the abandoned railroad tracks running parallel to State Highway 13.[496] Two sites of biodiversity significance were classified as having "below" levels of biodiversity, and there were no areas classified as "high" or "outstanding" within the Project Area.[497]

251. Six Natural Plant Communities ("NPC") were identified within the Project Area and all six are mostly linear features located along the abandoned railroad tracks and consist of Mesic Prairie ranging from 0.4 acre to 8.5 acres within the Project Area.[498] Two NPCs are located adjacent to the southern Project boundary and include a Mesic Prairie and Southern Mesic Oak-Basswood Forest.[499] The Applicant conducted a desktop native prairie evaluation in February 2024 and identified 11 areas of potential native prairie in addition to the mapped native prairie, NPCs, and railroad right-of-way prairie areas.[500] Based on the preliminary site layout, no Project facilities will impact the potential native prairies identified in the Project Area.[501] Overall, no impacts to MnDNR sites of biodiversity significance and NPCs are anticipated to occur as a result of the Project.[502]

252. Section 7.1 of the Draft Site Permit requires the permittee, in consultation the MnDNR, to design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Project Area and assess the presence of state- or federally-listed or threatened species.[503] The permittee is required to file the results of the inventories prior to construction.[504]

253. The MnDNR proposed a special permit condition to ensure compliance with state endangered species laws.[505]

254. The record demonstrates that WPL has taken steps to avoid and minimize impacts to rare and unique natural features. Further, Section 7.1 of the Draft Site Permit contains adequate conditions to monitor and mitigate the Project's potential impacts on rare and unique natural resources. Section 4.7 of the Draft Site Permit requires the permittee to prepare a Prairie Protection and Management Plan, in consultation with DNR if native prairie

[495] Ex. WPL-1 at 100 (Application).
[496] Ex. WPL-1 at 101-102 (Application).
[497] Ex. WPL-1 at 102 (Application).
[498] Ex. WPL-1 at 102 (Application).
[499] Ex. WPL-1 at 102 (Application).
[500] Ex. WPL-1 at 102 (Application).
[501] Ex. WPL-1 at 102 (Application).
[502] Ex. WPL-1 at 103 (Application).
[503] Ex. PUC-23 at 18 (Draft Site Permit).
[504] Ex. PUC-23 at 18 (Draft Site Permit).
[505] Minnesota Department of Natural Resources at 2 (Comments) (eDocket No. 202512-225464-01).

is identified within the Designated Site. The Prairie Protection and Management Plan is a pre-construction filing.

O. Vegetation

255. The primary impact from construction of the Project would be cutting, clearing, and removal of existing vegetation within the construction workspace.[506] Secondary effects from disturbances to vegetation could include increased soil erosion, increased potential for the introduction and establishment of invasive and noxious weed species, habitat fragmentation and edge efforts, and a local reduction in available wildlife habitat.[507]

256. Cultivated cropland comprises approximately 97 percent of the permanent and temporary impacts.[508] Approximately 436.3 acres of cultivated crops will experience temporary impacts, while approximately 62.3 acres of cultivated crops will experience permanent impacts due to the construction of the Project.[509]

257. The Applicant will employ various measures to avoid and minimize impacts on existing vegetation in the Project Area during construction, and operation of the Project, to the extent practicable. These mitigation measures include prioritizing turbine, access road, and Project substation siting to avoid impacts on cultivated cropland, use of best management practices ("BMP"), and designing the Project to minimize the need to clear existing trees and shrubs.[510]

258. The Applicant will also follow the Project's Stormwater Pollution Prevention Plan ("SWPPP") and associated permitting requirements during construction and will restore disturbed soils and vegetation as soon as possible after construction activities are complete.[511]

259. Further, the Draft Site Permit requires that the permittee only disturb or clear vegetation to the extent necessary to assure the safe construction, operation, and maintenance of the Project.[512] The Draft Site Permit also requires the permittee to minimize the number of trees removed within the Project Area and to preserve, to the maximum extent practicable, windbreaks, shelterbelts, and living snow fences.[513]

260. The record demonstrates that WPL has taken steps to avoid and minimize impacts to vegetation. Further, the Draft Site Permit contains adequate conditions to monitor and mitigate the Project's potential impacts on vegetation.

P. Soils, Geologic, and Groundwater Resources

[506] Ex. WPL-1 at 85 (Application).
[507] Ex. WPL-1 at 85 (Application).
[508] Ex. WPL-1 at 85 (Application).
[509] Ex. WPL-1 at 85 (Application).
[510] Ex. WPL-1 at 86 (Application).
[511] Ex. WPL-1 at 86 (Application).
[512] Ex. PUC-23 at 10 (Draft Site Permit).
[513] Ex. PUC-23 at 10 (Draft Site Permit).

261. Four soil associations are found within the Project Area: Webster-Nicollet-Clarion-Canisteo, Nicollet-Clarion-Canisteo, Delft-Clarion, and Lester-Hamel associations.[514] These soil associations are generally deep, poorly drained to well drained, and are formed from loess and glacial till.[515] Construction of the Project will create the potential for soil erosion during construction and result in temporary and permanent loss of prime farmland.[516]

262. WPL will obtain a National Pollutant Discharge Elimination System ("NPDES")/State Disposal System ("SDS") Construction Stormwater General Permit from the MPCA which allows discharge of stormwater from construction activities.[517] BMPs will be implemented during construction of the Project to conserve topsoil, minimize soil erosion, and protect adjacent resources from sedimentation.[518] Proposed BMPs may include installation of temporary sediment controls such as silt fence, sediment logs, and rock outlets, implementation of erosion controls such as vegetation, mulch, and erosion control blanket, when disturbance has temporarily or permanently ceased.[519]

263. WPL does not anticipate any impacts to bedrock during construction or operation.[520] Depth to bedrock across the Project Area ranges from about 80 to 294 feet.[521] Construction activities will occur to depths of approximately 10 to 30 feet for turbine foundations and 5 to 10 feet for the Project substation foundations.[522]

264. Project activities are not expected to impact groundwater resources or wells due to adherence to state and county setbacks from water wells and the minimal water-related needs of the Project.[523] Water may be used during construction to control dust and mix with concrete. A temporary batch plant may be needed to supply concrete for construction of the Project.[524] The batch plant may be able to use rural water service but is more likely to require well water.[525] The water source will be determined prior to construction when a contractor is selected to construct the Project.[526]

265. The Applicant does not anticipate that more than 10,000 gallons of water per day or one million gallons per year would be withdrawn during construction.[527] If amounts exceed these thresholds, then the Applicant will obtain the required water appropriation/dewatering permits from the MnDNR.[528]

[514] Ex. WPL-1 at 74 (Application).
[515] Ex. WPL-1 at 74 (Application).
[516] Ex. WPL-1 at 75 (Application).
[517] Ex. WPL-1 at 76 (Application).
[518] Ex. WPL-1 at 78 (Application).
[519] Ex. WPL-1 at 76 (Application).
[520] Ex. WPL-1 at 78 (Application).
[521] Ex. WPL-1 at 78 (Application).
[522] Ex. WPL-1 at 78 (Application).
[523] Ex. WPL-1 at 78 (Application).
[524] Ex. WPL-1 at 78 (Application).
[525] Ex. WPL-1 at 78 (Application).
[526] Ex. WPL-1 at 78 (Application).
[527] Ex. WPL-1 at 76 (Application).
[528] Ex. WPL-1 at 79 (Application).

266. The Draft Site Permit provides adequate provisions regarding soil, geologic, and groundwater resources. For example, Section 5.3.7 requires the Applicant to minimize soil compaction of all lands during all phases of the Project's life.[529] The Draft Site Permit also requires the Applicant to implement erosion prevention and sediment control practices as recommended by the MPCA Construction Stormwater Program.[530]

267. The record demonstrates that WPL has taken steps to avoid and minimize impacts to soils, geologic, and groundwater resources. Further, Sections 5.3.6, 5.3.7, and 5.3.8 of the Draft Site Permit contain adequate conditions to monitor and mitigate the Project's potential impacts on the soil.

Q. Surface Water and Wetlands

268. There are no designated wildlife lakes, listed impaired lakes or wetlands, designated trout streams, or Outstanding Resource Value Waters within the Project Area.[531] All other surface waters located within the Project Area will not experience significant changes because of the Project.[532] The Project Area is largely outside of the 100-year floodplain.[533]

269. A total of 320 potential wetlands, totaling 477.4 acres, were identified within the Project Area.[534] Of these, 176 were categorized as freshwater emergent wetlands (349.2 acres), 55 were riverine (60.1 acres), 74 were freshwater forested/shrub (50.6 acres) and 15 were freshwater ponds (17.5 acres).[535] There are three Public Waters Inventory ("PWI") streams located within the Project Area, these overlap mapped National Wetland Inventory ("NWI") riverine wetlands and are associated with the Le Sueur River and two other unnamed streams. The majority of wetlands are isolated basins.[536]

270. Further, there were no calcareous fens identified within or adjacent to the Project Area.[537]

271. The Project turbines and meteorological towers will be sited in upland areas to maximize the wind resource and as such, are likely to avoid most wetlands and other water resources, which are typically at lower elevations.[538] Access roads and Project infrastructure will be designed and sited to avoid or minimize permanent impacts to wetlands to the greatest extent feasible.[539] Additionally, after field verification of wetlands, Project facilities may undergo minor shifts to avoid wetland features whenever possible.[540]

---

[529] Ex. PUC-23 at 9 (Draft Site Permit).
[530] Ex. PUC-23 at 9 (Draft Site Permit).
[531] Ex. WPL-1 at 81 (Application).
[532] Ex. WPL-1 at 81 (Application).
[533] Ex. WPL-1 at 81 (Application).
[534] Ex. WPL-1 at 82 (Application).
[535] Ex. WPL-1 at 82 (Application).
[536] Ex. WPL-1 at 82 (Application).
[537] Ex. WPL-1 at 82 (Application).
[538] Ex. WPL-1 at 83 (Application).
[539] Ex. WPL-1 at 83 (Application).
[540] Ex. WPL-1 at 83 (Application).

272. The layouts have been designed and sited to avoid or minimize permanent wetland impacts to the greatest extent feasible.[541] Wetlands will be avoided to the extent possible during the construction and operations phases of the Project.[542] If wetland impacts cannot be avoided, the Applicant will submit a permit application the United States Army Corps of Engineers for a dredge and fill permit.[543] The Applicant will submit a permit application for wetland impacts to the appropriate Local Government Unit (LGU) representative as required by Wetland Conservation Act (WCA).

273. Section 5.3.9 of the Draft Site Permit also requires mitigation measures be implemented to avoid potential impacts to wetland and water.[544] These mitigation measures include requiring the permittee to construct in wetland areas during frozen ground conditions, to the extent feasible.[545]

274. The record demonstrates that WPL has taken steps to avoid and minimize impacts to surface waters and wetlands. Further, the Draft Site Permit contains conditions that adequately address potential impacts to surface waters and wetlands.

R. Air and Water Emissions

275. Throughout the operational life-cycle of the Project, its operations will emit the small amount of greenhouse gas emissions compared to other generation methods by replacing energy generated by fossil fuels.[546]

276. The Project is estimated to generate approximately 8,144 short tons of carbon dioxide ("CO_2") during the Project construction phase, and 28 short tons of CO_2 annually during the operational life of the Project.[547] The Project is expected to offset approximately 433,018 short tons of CO_2 equivalent annually.[548] The total CO_2 emissions estimated to be produced by the construction and operation of the Project will be minimal when compared to the reduction in CO_2 emissions that will result from the Project in the long term.[549]

277. During construction, water may be applied to control dust and to mix with concrete.[550]

278. Section 5.3.25 of the Draft Site Permit requires the permittee to take all appropriate precautions to protect against pollution of the environment.[551]

[541] Ex. WPL-1 at 83 (Application).
[542] Ex. WPL-1 at 83 (Application).
[543] Ex. WPL-1 at 83 (Application).
[544] Ex. PUC-23 at 10 (Draft Site Permit).
[545] Ex. PUC-23 at 10 (Draft Site Permit).
[546] Ex. WPL-1 at 103 (Application).
[547] Ex. WPL-1 at 104 (Application).
[548] Ex. WPL-1 at 104 (Application).
[549] Ex. WPL-1 at 104 (Application).
[550] Ex. WPL-1 at 78 (Application).
[551] Ex. PUC-23 at 15 (Draft Site Permit).

279. The record demonstrates that WPL has taken steps to avoid and minimize CO_2 and water emissions.

S. Solid and Hazardous Wastes

280. Potential hazardous materials within the Project Area would be associated with agricultural activities, and include petroleum products, pesticides, and herbicides.[552] During construction of the Project, some solid and fluid materials will be generated from construction activities.[553] During operation of the Project, turbine hydraulic oils and lubricants will be contained within the wind turbine nacelle and within service vehicles.[554] The Project will monitor fluids during maintenance at each turbine and transformer.[555] A small volume of hydraulic oil, lube oil, grease, and cleaning solvent will be stored in the operations and maintenance facility.[556]

281. Prior to construction, WPL will conduct a Phase I Environmental Site Assessment to identify and avoid existing recognized environmental conditions on participating parcels within the Project Area.[557]

282. Any wastes generated during any phase of the Project will be handled and disposed of in accordance with Minn. R. Chapter 7045 and local rules and regulations.[558] To avoid spill-related impacts during construction, the Applicant will develop a Project and facility specific Spill Prevention, Control, and Countermeasure Plan that will outline measures to be implemented to prevent accidental releases of fuels and other hazardous substances and describe the required response, containment, and cleanup procedures to be used in the event of a spill.[559]

283. Section 5.3.25 of the Draft Site Permit requires the permittee to abide with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.[560]

284. The record demonstrates that WPL has taken steps to avoid and minimize potential impacts such that the Project is not expected to result in adverse environmental impacts due to hazardous materials.[561] Further, Section 5.3.25 of the Draft Site Permit contains adequate conditions to mitigate the Project's potential impacts from solid and hazardous wastes.

T. Future Development and Expansion

[552] Ex. WPL-1 at 66 (Application).
[553] Ex. WPL-1 at 66 (Application).
[554] Ex. WPL-1 at 66 (Application).
[555] Ex. WPL-1 at 66 (Application).
[556] Ex. WPL-1 at 66 (Application).
[557] Ex. WPL-1 at 68 (Application).
[558] Ex. WPL-1 at 68 (Application).
[559] Ex. WPL-1 at 68 (Application).
[560] Ex. PUC-23 at 15 (Draft Site Permit).
[561] Ex. WPL-1 at 68 (Application).

285. The Project is located in Freeborn County in south central Minnesota.[562] Portions of the Project are required to satisfy the setback buffers within Waseca and Steele counties, but no Project infrastructure is proposed within Waseca or Steele counties.[563]

286. The Project is generally consistent with county zoning requirements and comprehensive plans regarding siting of LWECS projects.[564] The Project Area occurs primarily within county-zoned agricultural districts.[565] All three counties allow commercial wind energy systems and meteorological towers as a conditional use within agricultural districts.[566]

287. The Project is not likely to impact future zoning and expansion of nearby incorporated and municipalities areas.[567] WPL has sited all Project infrastructure approximately two miles or more from incorporated areas to minimize potential impacts on future urban growth.[568]

288. There is no evidence that the Project is inconsistent with any future development or expansion plans.[569]

U. Decommissioning, Turbine Abandonment, and Restoration

289. The anticipated life of the Project is approximately 30 years after the issuance of the Site Permit.[570] After the Site Permit term expires, the Project operation may be extended or the Project may cease to operate.[571] The Project must be decommissioned if: a) it reaches the end of system's serviceable life; or b) the system becomes a discontinued use, or c) upon facility abandonment.

290. The Project's Decommissioning Plan was developed in accordance with the requirements of Minnesota Rule 7836.0500, subp. 13 and the Freeborn County Zoning Ordinance, Article 14, Section 11.[572]

291. WPL's decommissioning objective is to restore the site to a condition that will facilitate its pre-construction use at the end of operation. Decommissioning includes removing the wind turbines, underground cables, ancillary equipment, and substation.[573] All underground components, including equipment foundations and underground cables, will be removed to a depth of four feet below ground.[574] Underground utility lines, if deeper than four feet below

[562] Ex. WPL-1 at 6 (Application).
[563] Ex. WPL-1 at 6 (Application).
[564] Ex. WPL-1 at 34 (Application).
[565] Ex. WPL-1 at 34 (Application).
[566] Ex. WPL-1 at 34 (Application).
[567] Ex. WPL-1 at 34 (Application).
[568] Ex. WPL-1 at 34 (Application).
[569] Ex. WPL-1 at 34 (Application).
[570] Ex. WPL-1 at 117 (Application).
[571] Ex. WPL-1 at 117 (Application).
[572] Ex. WPL-1 at 118 and Appendix H (Application).
[573] Ex. WPL-1 at 118 (Application).
[574] Ex. WPL-1 at 118 (Application).

ground surface elevation, may be left in place to minimize land disturbance and associated impacts to future land use.[575]

292. After all equipment is removed, any holes or voids created by turbine pedestals, concrete pads and other equipment will be filled in with native soil to the surrounding grade, and the Project Area will be restored to pre-construction conditions, to the extent feasible.[576] All access roads and other areas compacted by equipment will be de-compacted to a depth necessary to ensure adequate soil drainage and root penetration, then will be fine graded and tilled to a farmable condition.[577]

293. Existing vegetation is expected to survive decommissioning activities.[578] Consequently, efforts to restore the site, if the land is not returned to row crop agriculture, is expected to be limited to over-seeding.[579]

294. WPL will be responsible for removal of all above ground equipment and underground equipment within the Project Area.[580] WPL will restore and reclaim the site to pre-construction topography and topsoil quality to the extent practical and assumes that most of the site will be returned to farmland and/or pasture after decommissioning.[581]

295. The Draft Site Permit contains appropriate conditions to ensure proper decommissioning and restoration of the Project site. For example, it requires that the decommissioning plan provide information identifying all surety and financial securities established for decommissioning and site restoration of the Project in accordance with the requirements of Minn. R. 7854.05000, subp. 13.[582]

296. The record demonstrates that decommissioning has been appropriately addressed by WPL and the Draft Site Permit.

XII. DRAFT SITE PERMIT

297. On September 16, 2025, the Commission filed the Draft Site Permit with the modifications outlined in the September 10, 2025 Commission Order.[583]

298. In Direct Testimony, WPL stated that it agrees that the Draft Site Permit contains reasonable and appropriate conditions related to the construction and operation of the Project.[584]

299. WPL did request several changes to the Draft Site Permit. One of these proposed changes was to include the Nordex turbine model, in addition to the two Vestas turbine models.

[575] Ex. WPL-1 at 118 (Application).
[576] Ex. WPL-1 at 118 (Application).
[577] Ex. WPL-1 at 118 (Application).
[578] Ex. WPL-1 at 118 (Application).
[579] Ex. WPL-1 at 118 (Application).
[580] Ex. WPL-1 at 117 (Application).
[581] Ex. WPL-1 at 117 (Application).
[582] Ex. PUC-23 at 27 (Draft Site Permit).
[583] Draft Site Permit from September 10 Order (eDocket No. 20259-223064-01).
[584] Ex. WPL-5 at 10 (Galante Direct).

WPL proposed changes to Section 1 (Site Permit), 2 (Project Description), and 4.9 (Wind Turbines) of the Draft Site Permit to include the Nordex turbine.[585]

300. WPL also requested corrections to Section 2.1 (Associated Facilities), Section 3.0 (Designated Site), Section 4.7 (Native Prairie), and Section 4.9 (Wind Turbines) of the Draft Site Permit. WPL also proposed changes to Section 7.1 (Biological and Natural Resource Inventories), Section 10.5 (Labor Statistic Reporting), and Section 10.9 (GPS Data) to help facilitate compliance with the Site Permit.

301. With regard to Section 2.1, WPL requested two changes. First, WPL requested adding "Additional O&M building" to the list of associated facilities. Second, WPL proposed to change "Laydown Area (15 acres)" to "Laydown area (approximately 15 acres) and other staging areas as necessary." Each of these changes was proposed to ensure the associated facilities list and laydown yards match what was proposed in the Site Permit Application.

302. In Section 3.0, WPL requested changing "no more than 50 acres" to "no more than 63.3 acres," to align with permanent impacts identified in Table 8-1 of the Site Permit Application.[586]

303. ~~In Section 4.7, WPL requested adding the words "and wind turbines or associated facilities are located in a native prairie or construction activities impacting native prairie" at the end of the first sentence of the second paragraph, after the word "Site."[587] This change was proposed to reflect the fact that a Prairie Protection and Management Plan is only required if the Project impacts native prairie.[588]~~ PUC EIP staff recommends Section 4.7 of the site permit remain the same as in the DSP approved by the Commission. A Prairie Protection and Management Plan is required if there is native prairie within the Designated Site, not only if the proposed project will impact native prairie.

304. For Section 4.9, WPL requested that the language be revised to state:

> The towers may be up to 120 meters (394 feet) from the top of the pedestal measured at hub height.[589]

This change was proposed to account for the fact that the top of the turbine pedestal may be one to three feet above grade, as described in 5.2.2.1 Turbine Foundation of WPL's Site Permit Application.[590]

305. ~~In~~ PUC EIP staff recommends Section 7.1~~,~~ of the site permit remain the same as in the DSP approved by the Commission. ~~WPL requested the following revisions, with the stricken and added words depicted below, to allow WPL to leverage the desktop inventories to~~

[585] Ex. WPL-5 at 10 (Galante Direct).
[586] Ex. WPL-5 at 12 (Galante Direct).
[587] ~~Ex. WPL-5 at 11 (Galante Direct).~~
[588] ~~Ex. WPL-5 at 11 (Galante Direct).~~
[589] Ex. WPL-5 at 10-11 (Galante Direct).
[590] Ex. WPL-5 at 10-11 (Galante Direct).

more efficiently complete field inventories, as well as to clarify that WPL must assess for listed and threatened species in the inventoried areas, not in the entire Designated Site:

> The Permittee, in consultation the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site. The Permittee shall design and conduct pre-construction field inventories or wetlands identified in the desktop inventory and shall assess such areas for the presence and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of the inventories at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.[591]

306. In PUC EIP staff recommends Section 10.5, of the site permit remain the same as the DSP approved by the Commission. WPL requested the requirement to report on workers who are residents of other states, but that maintain permanent residence within 150 miles of the Project, be removed as it will be difficult for WPL to verify whether a worker meets this definition.[592]

307. In Section 10.9, WPL requested extending the GPS data submission requirement from 90 days to 120 days post-construction.[593]

308. WPL also proposed several typographical and consistency changes to the Draft Site Permit.[594] All of WPL's proposed changes to the Draft Site Permit were summarized in Schedule 9 to the Direct Testimony of Company witness Galante.[595]

309. The MDA proposed to have WPL voluntarily work with the Minnesota Department of Agriculture on developing an AIMP Plan for the Project.[596] The site permit includes special condition 6.5, which requires the development of an AIMP.

6.5 Agricultural Impact Mitigation Plan

[591] Ex. WPL-5 at 12 (Galante Direct).
[592] Ex. WPL-5 at 14 (Galante Direct).
[593] Ex. WPL-5 at 13 (Galante Direct).
[594] Ex. WPL-5 at 14 (Galante Direct).
[595] Ex. WPL-5 at Schedule 9 (Galante Direct).
[596] Ex. PUC-3 (Minnesota Department of Agriculture Comments on Application Completeness) (eDocket No. 20255-218881-01).

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

~~309.~~310. WPL stated that it had no objections to the MDA's recommendation to working with MDA to develop an AIMP for the Project.[597]

~~310.~~311. On December 2, 2025, the MnDNR proposed the following special condition to ensure compliance with state endangered species laws:

> The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.[598]

On December 11, 2025, the Applicant stated that it had no objection to the MnDNR's proposed special condition to ensure compliance with state endangered species law.[599] The Site Permit will include Special Condition 6.6 Compliance with State Endangered Species Law.

6.6 Compliance with State Endangered Species Law

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

Based on the foregoing Findings of Fact and the record in this proceeding, the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the foregoing Findings of Fact that are more properly designated as Conclusions of Law are hereby adopted as such.

[597] Ex. PUC-4 (Wisconsin Power & Light Company Comments on Application Completeness) (eDocket No. 20255-219071-01).
[598] Minnesota Department of Natural Resources at 2 (Comments) (eDocket No. 202512-225464-01).
[599] Applicant's Response to Public Comments at 2 (Comments) (eDocket No. 202512-225755-01).

2. The Commission and the Administrative Law Judge have jurisdiction over WPL's Site Permit Application for the Bent Tree North Wind Project pursuant to Minn. Stat. § 216F.04.

3. The Project has substantially complied with the procedural requirements of Minn. Stat. Chapter 216F, Minn. Stat. § 216E.03, and Minn. R. Chapter 7854.

4. The Commission has complied with the procedural requirements of Minn. Stat. Chapter 216F and Minn. R. Chapter 7854.

5. Public hearings were conducted on November 17, 2022 (in person) and November 18, 2022 (virtual). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.

6. The Commission has the authority under Minn. Stat. § 216F.04 to place conditions in a LWECS site permit.

7. The Draft Site Permit contains a number of important mitigation measures and other reasonable conditions that adequately address the potential impacts of the Project on the human and natural environments.

8. The Project complies with the criteria set forth in Chapter 216F and Minn. Stat. § 216E.03, subd. 7 and Minn. R. Chapter 7854 and all other applicable legal requirements.

9. The changes to the Draft Site Permit, in Sections 1, 2, 2.1, 3, 4.9, and 10.9 as proposed by WPL in its Direct Testimony, and additions of Special Condition 6.5 and 6.6 are reasonable to include in the Site Permit for the Project.

10. The Project, with the Draft Site Permit conditions, revised Sections 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 ~~revised~~ as set forth above, satisfies the criteria for a LWECS in Minn. Stat. § 216F.03 and meets all other applicable legal requirements.

11. The Project, with the Draft Site Permit conditions, revised Sections 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 as set forth above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act, Minn. Stat. Chapter 116B and/or the Minnesota Environmental Policy Act, Minn. Stat. Chapter 116D.

12. It is reasonable to issue a Site Permit, including ~~-~~ revised Section 1, 2, 2.1, 3, 4.9, and 10.9, and the additions of Special Conditions 6.5 and 6.6 ~~the changes proposed by WPL in its Direct Testimony,~~ to WPL for the Bent Tree North Project.

13. Any of the foregoing Conclusions of Law which are more properly designated Findings of Fact are hereby adopted as such.

Based upon these Conclusions, the ALJ makes the following:

RECOMMENDATION

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Site Permit to WPL to construct and operate the Bent Tree North Project in Freeborn County, and that the Site Permit include the permit conditions as set forth above.

Dated:_____ _____

Megan McKenzie
Administrative Law Judge