

April 27, 2022

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

RE: In the Matter of Buffalo Ridge Wind, LLC's Request for a Limited Wind Access Buffer Waiver for Xcel Energy's Property
Docket No. IP-7006/WS-19-394

Mr. Seuffert:

Attached are comments and recommendations of Energy Environmental Review and Analysis ("EERA") staff in the above-mentioned matter.

Buffalo Ridge Wind, LLC ("BRW") is requesting a limited waiver of the Wind Access Buffer setback requirement set forth in Section 4.1 of the amended Site Permit issued to BRW on April 5, 2022. Section 4.1 provides that "wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails."

EERA's review addresses the topics on which the Commission requested comments. Specific recommendations are attached. EERA believes the requested waiver of the Wind Access Buffer for Xcel Energy's property is more appropriately treated as a request to amend the Site Permit (permit amendment). EERA believes that such amendment is warranted and recommends the Commission grant the wind access buffer waiver for Xcel Energy's property and include EERA's proposed permit amendment language in the April 5, 2022, amended site permit at Section 4.1.

EERA is available to answer any questions the Commission may have.

Sincerely,
/s/ Larry B Hartman
Environmental Review Manager
Energy Environmental Review and Analysis

cc: Cezar Panait, MNPUC
Bret Eknes, MNPUC
Louise Miltich, Energy Environmental Review and Analysis

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BEFORE THE PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

Buffalo Ridge Wind Project

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

Date: April 27, 2022

Staff: larry.hartman@state.mn.us | (651) 539-1839

Issues Addressed: EERA's comments and recommendations address topics open for comment in a Commission notice dated April 20, 2022, for the above captioned docket, which are:¹ 1) Should the Commission approve Buffalo Ridge Wind's request for a limited waiver? 2) Are there any potential human and environmental impacts associated with the proposed wind access buffer request? 3) Are there other issues or concerns related to this matter?

Additional documents and information can be found on eDockets by searching "19" for year and "394" for number: <https://www.edockets.state.mn.us/EFiling/search.jsp>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

On April 5, 2021, the Minnesota Public Utilities Commission (Commission) issued an order granting an amended site permit to Buffalo Ridge Wind, LLC (Buffalo Ridge, BRW or Permittee) for the Buffalo Ridge Wind Project, a 106-megawatt (MW) wind facility in Lincoln and Pipestone counties.

On April 13, 2022, Buffalo Ridge Wind, LLC (BRW) filed a petition requesting a limited waiver of the Wind Access Buffer setback requirement set forth in Section 4.1 of the amended Site Permit issued to BRW on April 5, 2022. Section 4.1 provides that "wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section

¹ MPUC Notice of Comment Period on Site Permit Amendment, April 20, 2022. See Docket Id. No. [20224-184929-01](#).

does not apply to public roads and trails.”² EERA staff considers this waiver request as a permit amendment, rather than a waiver.

Pursuant to Section 4.1, BRW requested the Commission find good cause to grant the waiver of the Wind Access Buffer setback with respect to one parcel (Township 109, Range 45, Section 22, NW ¼ (Lake Benton Township)), owned by Northern States Power Company d/b/a Xcel Energy (“Xcel Energy”), which is currently leased to a tenant for farming operations. The Permittee provided a map showing that the waiver would apply to wind turbines 15 and 26,³ which are within the Wind Access Buffer of the Xcel Energy property at issue. Xcel Energy indicated that it does not object to the Commission granting the requested waiver and provided a signed affidavit attesting to their position.⁴

EERA Staff Analysis and Comments

EERA has reviewed the Permittee’s petition request for a limited waiver of the Wind Access Buffer setback requirement in Section 4.1 of the amended site permit for any potential human or environmental impacts. Since the location of the turbines and any associated project facilities, which were reviewed in the permitting proceeding, are not changing, EERA does not believe that granting the limited exception to the wind access buffer will result in environmental or human impacts. EERA requests that BRW confirm the same in responsive comments. Further, based on numerous visits by EERA staff to the Lake Benton Substation site since 1995, EERA staff can confirm that there are no human or environmental impacts associated with the waiver request. EERA is not aware of any other issues or concerns related to this request.

In BRW’s filing, (see Attachment A, dated April 4, 2022), Xcel’s setback waiver declaration states that “Northern States Power is aware of the proposed project and has no objections to construction of said turbines” and “no objections to Minnesota Public Utilities Commission granting Buffalo Ridge Wind a waiver of the wind access buffer setback to allow turbines 15 and 26 to be constructed.”

The two turbines (15 & 26) that overlap Xcel’s property (existing Lake Benton Substation and buffer zone) will not infringe on the operation or safety of the Lake Benton Substation and buffer area).

In general, maintaining the 3 x 5 rotor diameter wind access buffer is important to maintain adequate setbacks from non-participating landowner parcels to avoid infringing on the wind rights of the non-participants. Additionally, the 3 x 5 rotor diameter turbine setbacks and internal turbine spacing gets to the importance of adequate turbine spacing to minimize wake loss and ensuring efficient generation is occurring at operating wind turbines.

² See eDockets Document [20224-184682-01](#).

³ See eDockets Document [20224-184682-01](#), Attachment B

⁴ See eDockets Document [20224-184682-01](#), Attachment A

In this case, as noted above, wind access buffers for the two turbines (15 & 26) overlap Xcel's property (existing Lake Benton Substation and buffer zone), where potential wake loss is not relevant, and the waiver will not infringe on the operation or safety of the Lake Benton Substation and buffer area.

EERA Recommendations

EERA recommends that the Commission approve of BRW's request for a waiver of the wind access buffer setback to allow turbines 15 and 26 to be constructed by amending the Site Permit at Section 4.1. to read as follows:

4.1 Wind Access Buffer

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