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November 10, 2021

VIA ELECTRONIC FILING

Mr. William Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

**Re: In the Matter of the Applications of Big Bend Wind, LLC for a Certificate of Need,
Site Permit, and Route Permit for an up to 308 MW Wind Farm and Associated
161 kV Transmission Line in Cottonwood, Martin, and Watonwan Counties
MPUC Docket Nos. IP-7013/CN-19-408, WS-19-619, and TL-19-621
OAH Docket No. 60-2500-37376**

Dear Mr. Seuffert:

Enclosed for filing on behalf of the Upper Sioux Community, a federally recognized Indian nation, in the above-captioned dockets, please find the Direct Testimony of Adam Savariego, the duly elected Tribal Secretary of the Upper Sioux Community.

This correspondence and enclosures will be e-filed through www.edockets.state.mn.us. A copy of this filing will also be served upon the persons on the Official Service Lists of record.

Sincerely,

/s/ Leif E. Rasmussen
Attorney for the Upper Sioux Community

Enclosures

Upper Sioux Community

MINNESOTA PUBLIC UTILITIES COMMISSION

MPUC DOCKET NOS. IP-7013/CN-19-408, WS-19-619, and TL-19-621
OAH DOCKET NO. 60-2500-37376

DIRECT TESTIMONY OF ADAM SAVARIEGO

November 10, 2021

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Q. Please state your name and role.

A. My name is Adam Savariego. I serve as the Tribal Secretary on the Board of Trustees for the Upper Sioux Community (“Upper Sioux”).

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to reaffirm Upper Sioux’s support for the Settlement Agreement and to discuss Upper Sioux’s position with respect to the revised Big Bend Wind Project (“Wind Project”) layout, including Big Bend Wind, LLC’s (“Big Bend”) request for a waiver of the wind access buffer for certain specific turbine locations.

Q. Did Upper Sioux intervene as a party in this proceeding?

A. Yes. Upper Sioux intervened as a party in this proceeding because it had concerns about the potential effects of the Wind Project, as it was proposed at that time, on the Jeffers Petroglyphs site.

Q. Is Upper Sioux a party to the Settlement Agreement concerning the Wind Project?

A. Yes. As part of the Settlement Agreement, Big Bend agreed to increase the distance of the Wind Project’s turbine locations from the Jeffers Petroglyphs site. As a result of this revised layout, in the Settlement Agreement, the parties (including Upper Sioux) “recommend[ed] that the [Minnesota Public Utilities Commission (“Commission”)] issue a CN and LWECS site permit for the Wind Project consistent” with the Settlement Agreement. The Parties also agreed to support a waiver of the wind access buffer setback for certain alternative wind turbine locations.

Q. Why does Upper Sioux support the waiver of the wind access buffer setback?

31 A. It is a reasonable compromise that balances competing considerations.
32 Specifically, in the Settlement Agreement, Big Bend agreed to remove all turbine
33 locations within seven miles of the Jeffers Petroglyphs site. To replace those lost
34 turbine locations, Big Bend identified alternative locations, but several of these
35 locations will require the Commission to modify its wind access buffer setback. As
36 I understand it, the setback is not a statute or rule, but instead a policy implemented
37 by the Commission. Here, it is appropriate to modify that policy because of
38 competing considerations—notably, Upper Sioux's (and the other intervening
39 parties') interest in minimizing impacts to the viewshed at Jeffers Petroglyphs. In
40 our view, recognizing Tribal interests and minimizing those viewshed impacts
41 outweighs the strict application of the wind access buffer setback.
42

43 **Q. Does this conclude your Direct Testimony?**

44 A. Yes.

In the Matter of the Applications of Big Bend Wind, LLC for a Certificate of Need, Site Permit, and Route Permit for an up to 308 MW Wind Farm and Associated 161 kV Transmission Line in Cottonwood, Martin, and Watonwan Counties

**MPUC Docket Nos. IP-7013/CN-19-408,
WS-19-619, and TL-19-621**

OAH Docket No. 60-2500-37376

CERTIFICATE OF SERVICE

Alicia P. Jones certifies that on the 10th day of November 2021, she e-filed true and correct copies of the following documents on behalf of Upper Sioux Community via eDockets (www.edockets.state.mn.us):

1. Filing letter;
2. Direct Testimony of Adam Savariego; and
3. Certificate of Service.

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

/s/ Alicia P. Jones

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_19-408_Official CC Service List
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Brenna	Gunderson	Brenna.gunderson@apexcleanenergy.com	Apex Clean Eenergy	8665 Hudson Blvd N Ste 110 Lake Elmo, MN 55042	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Kate M	Heins	kate.heins@apexcleanenergy.com	Apex Clean Energy	310 4th St NE Ste 200 Charlottesville, VA 22902	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Dylan	Ikkala	dylan.ikkala@apexcleanenergy.com	Apex Clean Energy	8665 Hudson Blvd N Ste 110 Lake Elmo, MN 55042	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List

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Amy	Kania	akania@hogenadams.com	Hogen Adams PLLC	1935 County Road B2 West Suite 460 St. Paul, MN	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Chris	Kunkle	chris.kunkle@apexcleanenergy.com	Apex Clean Energy	8665 Hudson Blvd North, Suite 110 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_19-408_Official CC Service List
James	LaFave	james.lafave@state.mn.us	Office of Administrative Hearings	600 N Robert Street St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Kevin	Majjala	Kevin.Majjala@mnhs.org	Minnesota Historical Society	N/A	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Samantha J	Odegard	samanthao@uppersiouxcommunity-nsn.gov	Upper Sioux Tribal Community	PO Box 147 Granite Falls, MN 56241	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Peter	Rademacher	prademacher@hogenadams.com		1935 County Road B2 West Suite 460 St. Paul, Minnesota 55113	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Leif	Rasmussen	leif@steffensandrasmusse.com	Steffens & Rasmussen	6600 France Ave South Edina, MN 55435	Electronic Service	No	OFF_SL_19-408_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Ronald C	Schirmer	ronald.schirmer@mnsu.edu	Department of Anthropology	359 Trafton Science Center N Mankato, MN 56001	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Cheyenne	St. John	cheyenne.stjohn@lowersioux.com	Lower Sioux Tribal Community	39527 Reservation Hwy 1 Morton, MN 56270	Electronic Service	No	OFF_SL_19-408_Official CC Service List
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_19-408_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_19-408_Official CC Service List

[illegible]

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kevin	Maijala	Kevin.Maijala@mnhs.org	Minnesota Historical Society	N/A	Electronic Service	No	OFF_SL_19-619_Official CC Service List
Samantha J	Odegard	samanthao@uppersiouxcommunity-nsn.gov	Upper Sioux Tribal Community	PO Box 147 Granite Falls, MN 56241	Electronic Service	No	OFF_SL_19-619_Official CC Service List
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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-619_Official CC Service List
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Cheyenne	St. John	cheyenne.stjohn@lowersioux.com	Lower Sioux Tribal Community	39527 Reservation Hwy 1 Morton, MN 56270	Electronic Service	No	OFF_SL_19-619_Official CC Service List
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_19-619_Official CC Service List

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Berdon	Baerg	bbaerg@msn.com		B&A Baerg Farms, LLC 4758 Watermark LN Sarasota, FL 34238	Electronic Service	No	SPL_SL_19-619_Project Contact List
Brad	Hutchinson	bdhutch@yahoo.com		34857 575th Ave Mountain Lake, MN 56159	Electronic Service	No	SPL_SL_19-619_Project Contact List
Joyce	Janzen	N/A		PO Box 365 Mountain Lake, MN 56159	Paper Service	No	SPL_SL_19-619_Project Contact List

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Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	Yes	OFF_SL_19-621_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-621_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_19-621_Official CC Service List
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