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Legal Excellence in Indian Country

Peter J. Rademacher, Associate

Licensed in Minnesota
Direct Dial: (763) 762-8292
prademacher@hogenadams.com

November 10, 2021

By eDockets

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

Re: Direct Testimony of Robert L. Larsen for MPUC Docket Numbers IP-7013/CN-408, WS-19-619, and TL-19-621, and OAH Docket Number 60-2500-37376.

Dear Mr. Seuffert,

Enclosed for filing on behalf of the Lower Sioux Indian Community in the State of Minnesota in the above-identified dockets, please find Direct Testimony of Robert L. Larsen.

This letter and the direct testimony have been filed today through eDockets and copies are being served upon the persons on the Official Service Lists of record. Please let me know if you have any questions.

Sincerely,



Peter J. Rademacher

Enclosure

Lower Sioux Indian Community in the State of Minnesota

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
ROBERT L. LARSEN

November 10, 2021

1 INTRODUCTION

2 Q. Please state your name, affiliation, and title.

3 A. My name is Robert L. Larsen. I'm a member of the Lower Sioux Indian
4 Community in the State of Minnesota (the "Community") and serve as the
5 President of its governing body, The Community Council of the Lower Sioux
6 Indian Reservation (the "Community Council").

7 Q. Are you authorized to provide testimony on behalf of the Community?

8 A. Yes, the Community Council has authorized me by resolution to provide this
9 testimony on behalf of the Community.

10 OVERVIEW

11 Q. What is the purpose of your testimony?

12 A. I'm testifying to explain (1) the Community's interests in the Big Bend Wind
13 Project (the "Wind Project"), including the proposed transmission line, and the
14 Red Rock Solar Project (the "Solar Project") (collectively, the "Projects"), (2) the
15 Community's involvement in this administrative proceeding, and (3) the
16 Settlement Agreement among the Community, the Upper Sioux Community, the
17 Minnesota Historical Society, Apex Clean Energy Holdings, LLC, Big Bend
18 Wind, LLC, and Red Rock Solar, LLC.

19 THE COMMUNITY'S INTEREST IN THE PROJECTS

20 Q. Can you describe the Community?

21 A. The Community is a federally recognized Indian tribe, 86 Fed. Reg. 7554, 7556
22 (Jan. 29, 2021), located in Morton, Minnesota.

23 **Q. What is the Community's relationship to the site of the Projects?**

24 A. The Projects are located within territory once inhabited and occupied by the
25 Community's ancestors and ceded through treaty. The Projects are also located
26 near the Jeffers Petroglyphs, a historic landmark registered by the State of
27 Minnesota and the federal government. That site is part of a larger formation
28 known as the Red Rock Ridge. To the Community, the Jeffers Petroglyphs and
29 the Red Rock Ridge are priceless sites that bear knowledge passed down through
30 many millennia, as well as offer important space for spiritual and cultural
31 practices. There is no other place like it in the entire world.

32 **Q. Based on this relationship, what is the Community's interest in the Projects?**

33 A. As a general matter, the Community supports renewable-energy efforts. That
34 said, I cannot overstate the importance of the Jeffers Petroglyphs and the Red
35 Rock Ridge. The Community has a strong interest in protecting these sites from
36 encroachment, including visual encroachment, which could devastate the
37 spiritual and cultural use of the sites and contribute to a long history of cultural
38 genocide that has systematically deteriorated the Community's cultural identity.
39 In particular, the Community has been concerned about the impact of the Wind
40 Project to the viewshed from the Jeffers Petroglyphs.

41 **THE COMMUNITY’S INVOLVEMENT IN THE PROJECTS**

42 **Q. How long has the Community been involved with the Projects?**

43 A. To my knowledge, the Community has been involved since 2018, when Big Bend
44 Wind, LLC and Red Rock Solar, LLC approached us. At that time, the wind
45 turbines proposed for the Wind Project were too tall and too close to the Jeffers
46 Petroglyphs, significantly impairing the viewshed.

47 **Q. How has the Community voiced its concerns about the Projects?**

48 A. The Community engaged in consultations with Big Bend Wind, LLC and Red
49 Rock Solar, LLC. Those consultations led them to adjust their original layouts for
50 the Projects to move the wind turbines further from the Jeffers Petroglyphs.

51 **Q. Why was the original layout adjustment insufficient?**

52 A. They did not move the wind turbines far enough, and they increased the heights
53 of the wind turbines significantly. Consequently, the impact to the viewshed
54 from the Jeffers Petroglyphs was not sufficiently reduced.

55 **Q. How has the Community participated in the administrative proceedings for**
56 **the Projects?**

57 A. Since Big Bend Wind, LLC and Red Rock Solar, LLC did not sufficiently adjust
58 the layouts of the Projects before applying for their certificates of need, site
59 permits, and route permit, the Community chose to intervene as a party and
60 oppose the site permit for the Wind Project. The Community took an active role

in the adversarial proceeding and has attended public meetings and hearings before the Minnesota Public Utilities Commission and the Minnesota Office of Administrative Hearings.

THE SETTLEMENT AGREEMENT

Q. Is there a settlement in this administrative proceeding?

A. Yes, the Community, the Upper Sioux Community, the Minnesota Historical Society, Apex Clean Energy Holdings, LLC, Big Bend Wind, LLC, and Red Rock Solar, LLC have reached a settlement in this administrative proceeding.

Q. How did the parties reach this settlement?

A. Without going into the substance of the discussions, the parties met on sight to discuss compromises that would allow for a feasible project while minimizing impact to the viewshed from the Jeffers Petroglyphs. Through those discussions, the parties agreed to terms, which were detailed in the Settlement Agreement filed by Big Bend Wind, LLC with the Minnesota Public Utilities Commission and the Minnesota Office of Administrative Hearings on September 14, 2021.

Q. How would you describe the settlement?

A. The settlement is a compromise by all parties. It is the result of productive, good-faith negotiations. It is not a perfect outcome for the Community, but it is one that the Community supports.

Q. The settlement includes a revised layout for the Wind Project, correct?

81 A. Yes, the settlement includes a revised layout for the Wind Project, which will
82 result in zero to a maximum of two wind turbines constructed within seven
83 miles of the Jeffers Petroglyphs, but not closer than six-and-a-half miles. Some of
84 the turbines that were previously within seven miles of the Jeffers Petroglyphs
85 will be removed from the Wind Project. Others will or may be moved to different
86 sites beyond seven miles from the Jeffers Petroglyphs.

87 **Q. Does the revised layout of the Wind Project address the Community's**
88 **concerns about the impact to the viewshed from Jeffers Petroglyphs?**

89 A. Wind turbines will still be in the viewshed from the Jeffers Petroglyphs. But after
90 reviewing updated visual assessments provided by Big Bend Wind, LLC, the
91 Community believes that the revised layout significantly reduces the impact to
92 the viewshed from the Jeffers Petroglyphs. So the Community's concerns are
93 addressed, and it supports the settlement and the amended site permit
94 application that Big Bend Wind, LLC filed on September 20, 2021.

95 **CONCLUSION**

96 **Q. Does this conclude your testimony?**

97 A. Yes.

In the Matter of the Application of Big Bend Wind, LLC for a Certificate of Need for the up to 308 MW Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota; In the Matter of the Application of Big Bend Wind, LLC for a Large Wind Energy Conversion System Site Permit for the up to 308 MW Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota; In the Matter of the Application of Big Bend Wind, LLC for a Route Permit for a 161 kV High Voltage Transmission Line in Cottonwood, Watonwan and Martin Counties, Minnesota.

Declaration of Service

Peter J. Rademacher

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
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E Little Canada, MN 55117	Electronic Service	No	OFF_SL_19-408_Official CC Service List
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

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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	Maijala	Kevin.Maijala@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@lowersio ux.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

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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
Peter	Rademacher	prademacher@hogenadams.com		1935 County Road B2 West Suite 460 St. Paul, Minnesota 55113	Electronic Service	No	OFF_SL_19-619_Official CC Service List
Leif	Rasmussen	leif@steffensandrasmusse n.com	Steffens & Rasmussen	6600 France Ave South Edina, MN 55435	Electronic Service	No	OFF_SL_19-619_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-619_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_19-619_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_19-619_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_19-619_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_19-619_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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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
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E Little Canada, MN 55117	Electronic Service	No	OFF_SL_19-621_Official CC Service List
Brenna	Gunderson	Brenna.gunderson@apexcleanenergy.com	Apex Clean Eenergy	8665 Hudson Blvd N Ste 110 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_19-621_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	No	OFF_SL_19-621_Official CC Service List
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Kevin	Majjala	Kevin.Majjala@mnhs.org	Minnesota Historical Society	N/A	Electronic Service	No	OFF_SL_19-621_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Samantha J	Odegard	samanthao@upperSiouxcommunity-nsn.gov	Upper Sioux Tribal Community	PO Box 147 Granite Falls, MN 56241	Electronic Service	No	OFF_SL_19-621_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_19-621_Official CC Service List
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