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November 10, 2021

VIA ELECTRONIC FILING

Honorable James E. LaFave
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
PO Box 64620
Saint Paul, MN 55164-0620

**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 Judge LaFave:

On behalf of Minnesota Historical Society enclosed for e-filing in the above-referenced dockets, please find the Direct Testimony of Kevin Maijala. A copy of this filing is also served upon the persons on the official service lists of record.

Sincerely,

/s/ Valerie T. Herring

Valerie T. Herring

VTH:ts
Enclosure

cc: Official Service Lists

Direct Testimony
Kevin Maijala

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION OF BIG BEND
WIND, LLC FOR A CERTIFICATE OF NEED FOR THE UP
TO 308 MV BIG BEND WIND PROJECT IN
COTTONWOOD AND WATONWAN COUNTIES,
MINNESOTA

OAH DOCKET No.: 60-2500-37376
DOCKET No. IP-7013/CN-19-408

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
MV BIG BEND WIND PROJECT IN COTTONWOOD AND
WATONWAN COUNTIES, MINNESOTA

DOCKET No. IP-7013/WS-19-619

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

DOCKET No. IP-7013/TL-19-621

DIRECT TESTIMONY OF

KEVIN MAIJALA

On Behalf Of

MINNESOTA HISTORICAL SOCIETY

November 10, 2021

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1 **I. INTRODUCTION**

2
3 **Q. Please state your name and business address.**

4 A. My name is Kevin Maijala and my business address is 345 W. Kellogg Blvd., St. Paul,
5 Minnesota 55102.
6

7 **Q. By whom are you employed and in what capacity?**

8 A. I am employed by the Minnesota Historical Society as a Senior Director.
9

10 **Q. Please summarize your qualifications and experience.**

11 A. My educational background includes a B.A. in History and Political Science from the
12 University of Minnesota-Twin Cities and a M.A. in Museum Studies from Hampton
13 University. I am the Senior Director of Learning Initiatives for the Minnesota
14 Historical Society. I have been employed by Minnesota Historical Society since 1999
15 in a variety of capacities. I have been a manager of several of the Minnesota
16 Historical Society's historic sites, program developer, exhibit developer, curriculum
17 writer, and director of small and large initiatives. I have extensive experience in
18 overseeing historic properties, including daily operations, long-range planning,
19 preservation, and construction projects.
20

21 **Q. For whom are you testifying?**

22 A. I am testifying on behalf of the Minnesota Historical Society.
23

24 **Q. What is the purpose of your testimony in this proceeding?**

25 A. The purpose of my testimony is to discuss the Minnesota Historical Society's
26 intervention in these proceedings and to support the Settlement Agreement that was
27 executed among several of the parties to this proceeding.
28

II. SETTLEMENT AGREEMENT

Q. Please describe the Minnesota Historical Society.

A. The Minnesota Historical Society is an educational and cultural institution dedicated to preserving the history of the state of Minnesota. The Minnesota Historical Society operates 31 historic sites and museums throughout Minnesota. One of these 31 historic sites and museums is the Jeffers Petroglyphs historic site located in Delton Township in Cottonwood County, Minnesota.

Q. Please describe the Jeffers Petroglyphs site.

A. The Jeffers Petroglyphs site is an internationally significant Native American sacred site and the location of the largest group of Indigenous petroglyphs (rock carvings) in the Midwestern United States. Situated in Dakota homeland, it is sacred to multiple Native American nations, including the Cheyenne, Arapaho, Iowa, and Ojibwe. The Jeffers Petroglyphs site became part of the statutorily-defined Minnesota State Historic Sites Network in 1965 and was listed in the National Register of Historic Places in 1970. The site is open to the public annually from April through October, with up to 10,000 people visiting per year. Jeffers Petroglyphs site remains open and accessible every day of the year for Native American spiritual activities. The site has a ceremonial use protocol in place to ensure Native American spiritual practitioners have private access if needed.

Q. Please describe the proposed Big Bend Wind Project.

A. On November 9, 2020, Big Bend Wind, LLC (Big Bend) filed applications for a certificate of need, a site permit, and a route permit for a proposed up to 308 megawatt (MW) large wind energy conversion system and an approximately 18-mile 161 kV transmission line (Big Bend Wind Project). The site permit application included a proposed wind turbine layout with between 54 and 55 wind turbines that range in height from 612 feet to 656 feet tall. As proposed in the site permit application, the Big Bend Wind Project would have placed wind turbines as close as approximately

1 five miles from the Jeffers Petroglyphs site. Also on November 9, 2020, Red Rock
2 Solar, LLC filed an application for a certificate of need and a site permit for an up to
3 60 MW solar generating facility (Red Rock Solar Project).¹
4

5 **Q. Why did the Minnesota Historical Society formally intervene in the Minnesota**
6 **Public Utilities Commission (Commission) proceedings related to the Big Bend**
7 **Wind Project?**

8 A. The Minnesota Historical Society formally intervened in these proceedings to ensure
9 that impacts to the Jeffers Petroglyphs site from the proposed Big Bend Wind Project
10 were either avoided or minimized to the greatest extent possible. The Jeffers
11 Petroglyphs site is surrounded by native prairie and farmland and the addition of wind
12 turbines that are more than 600 feet tall into this landscape will alter the viewshed
13 from this historic site.
14

15 **Q. Did any other parties express concerns about the proximity and potential impacts**
16 **of the Big Bend Wind Project to the Jeffers Petroglyphs site?**

17 A. Yes. The Lower Sioux Indian Community in the State of Minnesota (Lower Sioux)
18 and the Upper Sioux Community (Upper Sioux) also formally intervened in these
19 proceedings and filed comments expressing concern about the potential impacts of the
20 Big Bend Wind Project on the Jeffers Petroglyphs site.
21

22 **Q. Earlier you stated that several parties had entered into a Settlement Agreement,**
23 **when was this Settlement Agreement executed?**

24 A. On August 10, 2021, Big Bend, Red Rock, Apex Clean Energy Holdings, LLC, Lower
25 Sioux, Upper Sioux, and the Minnesota Historical Society (“Settling Parties”) met for
26 an informal mediation at the Jeffers Petroglyphs site. As a result of this informal
27 mediation, the Settling Parties entered into a settlement agreement that was finalized
28 on September 14, 2021 (Settlement Agreement) and filed with the Commission the
29 same day.

¹ See Docket Nos. IP-7014/CN-19-486 and IP-7014/GS-19-620.

1 **Q. Please summarize the key aspects of the Settlement Agreement.**

2 A. The key aspect of the Settlement Agreement is that it removes at least eight wind
3 turbines that are located closest to the Jeffers Petroglyphs site and relocates five of
4 these turbines to locations that are at least seven miles from the site. In addition, as
5 part of the Settlement Agreement, Big Bend agrees that it will not construct two other
6 wind turbines (Turbines T19 and T20) that are between 6.5 and seven miles of the
7 Jeffers Petroglyphs site if the Commission approves one or more of Big Bend's
8 alternative wind turbine locations. With this revised layout, the Minnesota Historical
9 Society, the Upper Sioux, and Lower Sioux agreed to not contest a finding by the
10 Commission that the Big Bend Wind Project would not have a significant adverse
11 effect on the Jeffers Petroglyphs Site that cannot be avoided and that appropriate
12 treatments will be in place to avoid and mitigate any adverse effect.

13
14 **Q. Does the Minnesota Historical Society support the Commission granting a waiver
15 of the wind access buffer setback outlined in the Settlement Agreement and as
16 requested by Big Bend in its Direct Testimony filed on October 1, 2021?**

17 A. Yes. An important part of this Settlement Agreement is ensuring that there are
18 constructible alternative turbine locations for the wind turbines that will be relocated
19 under the revised layout. A waiver of the wind access buffer setback will allow Big
20 Bend to construct wind turbines in locations that are farther from the Jeffers
21 Petroglyphs site and minimize the impacts to the site.

22
23 **Q. Are there other key provisions of the Settlement Agreement that were important
24 to the Minnesota Historical Society?**

25 A. Yes. Under the terms of the Settlement Agreement, Big Bend, Red Rock Solar, and
26 Apex agreed not to develop, construct, or own any future wind turbines within 8 miles
27 of the Jeffers Petroglyphs site and to not assign any of their existing leases or
28 easements within this same 8-mile buffer. Another key provision was related to
29 community education. Under the Settlement Agreement, the Settling Parties agreed to
30 work together to develop educational and interpretative materials around renewable

1 energy, tribal culture, and historic preservation that could be utilized at the Jeffers
2 Petroglyphs site. All tribal cultural educational materials would be approved by Upper
3 Sioux and Lower Sioux.

4
5 **Q. Why does the Minnesota Historical Society support the Settlement Agreement?**

6 A. Like any settlement agreement, this Settlement Agreement is a compromise. While
7 the wind turbines will still be visible from the Jeffers Petroglyphs under the revised
8 layout set forth in the Settlement Agreement, the wind turbines will be located farther
9 away from the Jeffers Petroglyphs site as compared to the initial site permit
10 application. After reviewing the visual impact assessment associated with the revised
11 layout, the Minnesota Historical Society believes that the Settlement Agreement
12 strikes an appropriate balance between construction of the Big Bend Wind Project and
13 impacts on the Jeffers Petroglyphs site.

14
15 **III. CONCLUSION**

16
17 **Q. Does this conclude your pre-filed Direct Testimony?**

18 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, Minnesota

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

OAH Docket No. 60-2500-37376

CERTIFICATE OF SERVICE

Theresa A. Senart certifies that on the 10th day of November, 2021, she filed a true and correct copy of the **Direct Testimony of Kevin Maijala** on behalf of Minnesota Historical Society by posting the same on www.edockets.state.mn.us. Said Direct Testimony has also been served via U.S. Mail or e-mail as designated on the attached Official Service Lists on file with the Minnesota Public Utilities Commission in the above-referenced dockets.

s/ Theresa A. Senart

Theresa A. Senart

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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_19-408_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
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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_19-408_Official CC Service List
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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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Kevin	Majjala	Kevin.Majjala@mnhs.org	Minnesota Historical Society	N/A	Electronic Service	No	OFF_SL_19-621_Official CC Service List

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