

August 15, 2022

Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Hearing Comments on Draft Site Permit
Rose Creek Wind Project
Docket No. IP7065/WS-21-643

Dear Consumer Affairs,

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff has reviewed the Commission's draft site permit (DSP) for the Rose Creek Wind Project (Project) and the direct testimony of Rose Creek Wind, LLC (Applicant). EERA staff provides the following comments:

1. In its direct testimony, Rose Creek Wind, LLC has identified three changes to the overall project layout:¹
 - a. The Applicant indicated they are unlikely to be able to secure land control to construction Alternative (A1) turbine as was identified in Scenario 1 in the Site Permit Application (SPA). The Applicant continues to try to secure an agreement for the land where Alternative (A1) turbine is proposed, but if an agreement can't be reached the six primary turbine locations identified in the SPA will be utilized for the Project.²
 - b. A landowner agreement has been signed for the approximately seven-acre laydown yard area. The laydown yard will be located on land in the northeast corner, of the east half of the Northwest Quarter of Section 16, Township 101 North, Range 16 West, Mower County.³ The Applicant would like the identified laydown yard to be included as an associated facility in the final site permit issued for the Project.⁴
 - c. Due to the identification of a native prairie community the Applicant has decided to relocate one segment of their originally proposed collection line system.⁵

¹ Direct Testimony of Mr. Gokhan Andi, Rose Creek Wind, LLC, July 20, 2022, eDockets Numbers [20227-187644-02](#) (Testimony), [20227-187644-03](#) (Schedule A Updated Site Permit Application Figures Part 1 of 2), [20227-187644-04](#), (Schedule A Updated Site Permit Application Figures Part 2 of 2) and [20227-187644-05](#) (Schedule B Photographs of the Night Sky). [hereafter referred to as Direct Testimony]

² Direct Testimony, Lines 63 - 68

³ Direct Testimony, Lines 69 - 73

⁴ Direct Testimony, Lines 266 - 269

⁵ Direct Testimony, Lines 74 - 77

EERA staff appreciates the updates on Alternative (A1) turbine, the laydown yard area, and relocation of one segment of the collection line system provided by Rose Creek. EERA supports Rose Creek's plan to only proceed with the use of turbine locations with which they can reach agreements with landowners, as this will eliminate the need for wind access buffer waivers. EERA notes a temporary laydown yard has been identified in Section 2.1 of the DSP, and supports the Applicant's request that the specifically identified laydown yard be included on an updated Site Map to be attached to the Site Permit. EERA supports the collection line segment shift to the other side of the road to avoid native prairie impacts.

2. In its direct testimony, Rose Creek indicated that Section 2.1 of the DSP needs to be revised prior to issuance of a final site permit. Section 2.1 of the DSP states that a short 34.5 kV transmission line interconnects the Project substation to the grid point of interconnection. The interconnection line between the Project substation and the point of interconnection is a 69 kV line, approximately 65 feet in length.⁶

EERA staff agrees with Rose Creek's requested revision to Section 2.1 of the DSP.

3. In its direct testimony, Rose Creek provides additional detail regarding the costs to install and maintain an Aircraft Detection Lighting System (ADLS) at the proposed Project. As identified in the SPA, Rose Creek does not plan to install an ADLS at the Rose Creek Wind Project, as the installation and maintenance of an ADLS would impose a significant financial burden for a project this size. Since filing the SPA, Rose Creek has gotten two quotes for necessary ADLS equipment for the Project, an ADLS equipment installation quote, and an estimate to maintain ongoing operations of the ADLS.⁷ The capital expenditures for development of the Project is estimated to be \$24 to \$36 million and based on the quotes received the installation and operation of an ADLS at the Project would cost approximately 3 to 4 % of the total Project development costs.⁸

EERA staff notes that the Minnesota Legislature recently addressed lighting mitigation systems for wind farms in Minnesota Statute 216F.084.⁹ The statute requires wind farms in Minnesota to use a lighting mitigation system. The statute exempts permittees from using a lighting mitigation system if the FAA denies approval of the system. The statute also exempts permittees from using a lighting mitigation system, or provides them additional time to install a system, if the permittee can demonstrate:

- a. Equipping a wind farm with a lighting mitigation system is technically infeasible;
- b. Equipping a wind farm with a lighting mitigation system imposes a significant financial burden on the permittee; or
- c. A vendor approved by the Federal Aviation Administration cannot deliver a lighting mitigation system to the wind farm owner in a reasonable amount of time.¹⁰

⁶ Direct Testimony, Lines 153 – 156

⁷ Direct Testimony, Lines 160 – 168

⁸ Direct Testimony, Lines 190 – 197

⁹ Minnesota Statute 216F.084 (Wind Turbine Lighting Systems) www.revisor.mn.gov/statutes/cite/216F.084.

¹⁰ Minnesota Statute 216F.084 (Wind Turbine Lighting Systems) www.revisor.mn.gov/statutes/cite/216F.084.

EERA staff acknowledges that Rose Creek has submitted additional information into the record, specific to their claim that the installation of an ADLS at the Rose Creek Wind Project will cause a significant financial burden on the permittee, as was recommended by EERA in previous comments. EERA thinks the use of an ADLS does provide a good mitigation measure to reduce impacts on nighttime aesthetics for local residents. The Commission will have to weigh the impact mitigation benefits against the cost of ADLS implementation and maintenance at the Rose Creek Wind Project.

4. In its direct testimony, Rose Creek indicated that the permit language included in Special Condition 6.1 (Decommissioning of the Existing Rose Wind Facility) is unnecessary and beyond the scope of this proceeding because the existing project was constructed and operated under conditional use permits issued by Mower County.¹¹

Rose Creek has specific concerns with the language in Special Condition 6.1, which states that decommissioning of the existing Rose Wind Facility “must be completed prior to beginning construction of the Rose Wind Project authorized by this permit.” The Applicant proposed the deletion of the second paragraph of Special Condition 6.1 in the issued DSP.¹²

Rose Creek indicated that overlapping the decommissioning of the existing Rose Wind Facility and the construction of the proposed Rose Creek Wind Project will minimize the downtime and loss of renewable energy production, more efficiently utilize labor and construction equipment at the site, and reduce Project impacts by limiting the mobilization and movement of construction equipment throughout the project area.¹³

EERA staff does not agree with Rose Creek’s assertion that Special Condition 6.1 is unnecessary and beyond the scope of this proceeding. Rose Creek seems to imply that due to the approved Mower County permits issued for the existing Rose Wind Project turbines, the Commission should not be concerned with the decommissioning of the existing turbines. All Site Permits issued by the Commission include conditions which require permittees to secure and abide by permits issued and administrated by other agencies, so it is not out of line for the DSP to address other permits and approvals, such as the Mower County Conditional Use Permits.

Additionally, the proposed Rose Creek Wind Project involves the removal of existing turbines, which are not currently permitted by the Commission, creating a situation similar to the Northern Wind Project recently permitted by the Commission.¹⁴ Including a special condition in the Site Permit is appropriate to address the existing conditions specific to the Rose Creek Wind Project and is reasonable and consistent with past practice, and therefore EERA would not agree with full deletion of Special Condition 6.1.

EERA does agree with Rose Creek that the decommissioning of the existing Rose Wind Project and commencement of construction of the proposed Rose Creek Wind Project can

¹¹ Direct Testimony, Lines 224 - 229

¹² Direct Testimony, Lines 261 – 262

¹³ Direct Testimony, Lines 238 – 257

¹⁴ Commission. Northern Wind Energy Facility, Docket No. IP-7046/WS-20-860. Order. eDocket Number [20223-183310-01](#).

occur concurrently. Concurrent decommissioning and construction will reduce the facility's generation down time, improve labor and construction equipment efficiencies, and help to minimize impacts caused by construction equipment mobilization and movement throughout the site.

Therefore, EERA supports the deletion of the second sentence in Special Condition 6.1:

Decommissioning of the existing Rose Wind facility must be completed prior to beginning construction of the Rose Creek Wind facility authorized by this permit.

EERA staff appreciates the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Davis". The signature is fluid and cursive, with the first name "Richard" and last name "Davis" clearly distinguishable.

Richard Davis
Environmental Review Manager