

## Staff Briefing Papers

Meeting Date July 22, 2021 Agenda Item 3\*

Company Xcel Energy

Docket No. **IP-6646/WS-09-584**

**In the Matter of Site Permit Amendment Application for Proposed Upgrades to Xcel Energy's Nobles Wind Farm in Nobles County, Minnesota**

Issues 1. Should the Commission approve the requested amendments to the Nobles Wind Farm LWECs site permit?

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 **Relevant Documents**

**Date**

Wind Site Permit Amendment Application (21 parts)	February 26, 2021
DOC EERA Comments on Application – Draft Site Permit	March 22, 2021
PUC Notice of Public Information Meeting and Comment Period	April 8, 2021
Public Comment - Johnson, Patricia_P1	April 27, 2021
Public Comment P Johnson	April 27, 2021
Public Comment - Johnson, Patricia_P2	April 27, 2021
Xcel Energy – Updated Appendix C Wind Rights Waiver Request	April 29, 2021
Record of Public Meeting	May 5, 2021
Public Comment – R Schreiber	May 5, 2021

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

 **Relevant Documents**

**Date**

Xcel Energy Initial Comments (4 parts)	May 10, 2021
LIUNA Minnesota & North Dakota Comments	May 10, 2021
DNR Comments	May 10, 2021
J Christians – Public Comment	May 11, 2021
Xcel Energy – Reply Comments	May 25, 2021
DOC EERA Comments and Recommendations on Permit Amendment	June 3, 2021
Xcel Energy – Updated Appendix C- Wind Rights Waiver Request	June 23, 2021

## I. Statement of the Issues

1. Should the Commission approve the requested amendments to the Nobles Wind Farm Large Wind Energy Conversion System (LWECS) site permit?

## II. Statute and Rules

Under Minn. Stat. § 216F.03, the siting of a large wind energy conversion system will be done in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

Under Minn. Stat. § 216F.04 (d), the Commission may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

Minn. R. 7854.1300, subp. 2, provides that the Commission may amend a site permit for a large wind energy conversion system at any time if the Commission has good cause to do so.

Section K3 of the Nobles Wind Farm LWECS Site Permit provides that, “After notice and opportunity for hearing, this Permit may be modified or amended for cause including but not limited to the following: (a) Violation of any condition in this Permit; (b) Endangerment of human health or the environment by operation of the facility; or (c) Existence of other grounds established by rule.”

## III. Project Description and Amendment Request

The Nobles Wind Farm facility is an existing 201 megawatt (MW) LWECS located in Nobles County, Minnesota. The project received a site permit on December 11, 2009. The site permit was amended and transferred to Xcel Energy (Xcel or Applicant) on August 25, 2010. On June 10, 2009 the Commission found the project was exempt from the requirement of a certificate of need when it determined the Nobles Wind Farm was a reasonable and prudent approach to meeting its renewable energy obligations under Minn. Stat. § 216B.1691.<sup>1</sup>

As constructed, the facility has 134 General Electric 1.5 sle wind turbines with rotor diameters of 77 meters. The repowering project is proposing to repower all of the existing turbines: 133 turbines would be replaced with General Electric (GE) 1.6 sle turbines; 111 of the turbines would have a 97-meter rotor diameter and 22 turbines would have a 91-meter rotor diameter. The remaining turbine would be replaced with a Vestas V136 turbine with a 136-meter rotor diameter.<sup>2</sup>

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<sup>1</sup> Order Approving Investments and Expenditures, Finding the Nobles Project Exempt from Obtaining Certificate of Need, and Adding Requirements June 10, 2009 in docket 08-1437.

<sup>2</sup> See Nobles Wind’s Site Permit Amendment Application, Document ID: [20212-171383-02](#), p. 1-2

Based on Table 5.2-1 from Application

Design Feature	GE 1.5 sle (Existing)	GE 1.6 sle (Repowering)	GE 1.6 sle (Repowering)	Vestas V136 (Repowering)
Capacity	1.5 MW	1.6 MW	1.6 MW	3.6 MW
Number of Turbines	134	22	111	1
Total Height (ground to tip)	118.5 m (389 ft)	125.5 m (411.7 ft)	128.5 m (421.6 ft)	150 m (492.1 ft)
Hub Height	80 m (262.5 ft)	80 m (262.5 ft)	80 m (262.5 ft)	82 m (270 ft)
Rotor Diameter	77 M (252.6 ft.)	91 m (298.6 ft)	97 m (318.2 ft)	136 m (446.2 ft)

The facility upgrades would consist of replacing equipment within the nacelle, and turbine base (gearboxes and associated components) and replacing the rotor assembly, including the installation of longer turbine blades. The permitted turbine locations would remain the same for 133 of the turbines. The Vesta V136 turbine, Turbine 47, would be moved approximately 100 feet to the east of the currently permitted turbine location. The location of access roads, and other infrastructure would otherwise remain the same.

The total height (ground to the blade tip) would increase from the current 389 ft. to 411.7 ft., 421.6 ft., or 492.1 ft depending on the turbine used. There would only be one turbine at 492.1 ft. The turbine hub heights would remain the same at 262.5 ft for 133 of the turbines. The hub height of the 134th turbine would increase to 270 ft.

The upgraded turbines would increase the nameplate capacity to 217 MW, up from to 201 MW. The applicant stated this does not constitute a material modification to the interconnection agreement, so the repower could proceed under the original general interconnection agreement (GIA) as long as the energy delivered does not exceed the 201MW in the original agreement.<sup>3</sup> There will be control equipment installed to cap the power delivered to the point of interconnection.

The Applicant notes that the Nobles Wind Farm Repower project was among a suite of projects proposed in an Xcel Energy report required of utilities in the Commission's *Inquiry into Utility Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic* (CI-20-492). Xcel Energy later filed a Wind Repower Petition in (M-20-620), which included the Nobles Wind Farm Repower Project. After a public comment period, the Petition was approved by the Commission on December 23, 2020.

Xcel Energy has requested the following modifications to the original Nobles Wind Farm site permit<sup>4</sup>:

- Reduce the final project boundary from 25,525 acres to 23,912 acres;

<sup>3</sup> See Nobles Wind's Site Permit Amendment Application, Document ID: [20212-171383-02](#), p. 2

<sup>4</sup> See Nobles Wind's Site Permit Amendment Application, Document ID: [20212-171383-02](#), p. 3-5

- Extend the site permit expiration date to 25 years from the amended site permit issuance date;
- Update permit language to be consistent with recent LWECS projects related to: Wind Access Buffers, Noise Studies, Project Energy Reporting, Wind Resource Use Reporting, and Extraordinary Events Reporting;
- Grant waivers for the wind access buffer setbacks for 35 turbines<sup>5</sup>;
- Installation of light mitigating system.

Other points that staff summarizes:

- According to the noise modeling completed on the repowered proposal the project would have a maximum sound level at any receptor of 47 dBA.<sup>6</sup> This would have a noise impact equal to, or less than, the current project.<sup>7</sup>
- Shadow flicker modeling based on the repowered project indicated that 16 receptors may experience more than 30 hours of shadow flicker per year. Of the 16 receptors, 4 are non-participating landowners.
- Xcel Energy submitted an updated Decommissioning Plan with the Site Permit Amendment application in Appendix J. Xcel noted in the Application that the repower would change the costs associated with decommissioning and the updated plan reflects cost changes related to the repower.
- Xcel Energy submitted an updated Bird and Bat Conservation Strategy (BBCS) with the Site Permit Amendment application in Appendix I. The BBCS reflects the proposed upgrades to the turbines and steps to identify and mitigate impacts to avian and bat species during continued operation of the repowered facility. The Draft Site Permit includes two years of avian and bat fatality monitoring.<sup>8</sup>

Xcel Energy requested modifications to the Nobles Site Permit that can be found in the Site Permit Amendment Application section 1.4.<sup>9</sup> DOC EERA addresses the changes included in the Draft Site Permit in the agency's March 19, 2021 comments.<sup>10</sup>

#### IV. Procedural Background

On February 26, 2021 Xcel Energy filed a LWECS Site Permit Amendment application (application) for the Nobles Wind Farm in Nobles County, Minnesota.

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<sup>5</sup> See Xcel Energy's Updated Appendix C, eFiled June 23, 2021. Document ID [20216-175304-01](#)

<sup>6</sup> Nobles Wind's Site Permit Amendment Application, Appendix E, p. 15

<sup>7</sup> DOC EERA, Comments and Recommendations on Permit Amendment, June 3, 2021. Document ID [20216-174792-01](#)

<sup>8</sup> Draft Site Permit Section 7.5.1. DOC EERA, Comments on Application – Draft Site Permit, March 22, 2021. Document ID [20213-172070-01](#)

<sup>9</sup> Nobles Wind's Site Permit Amendment Application, Document ID: [20212-171383-02](#), p. 3-5

<sup>10</sup> DOC EERA, Comments on Application – Draft Site Permit, March 22, 2021. Document ID [20213-172070-01](#)

On March 22, 2021 (document dated March 19, 2021) the Department of Commerce Energy Environmental Review and Analysis (DOC EERA) submitted comments concerning the completeness of the application and submitted a draft site permit. DOC EERA recommended the application be accepted as complete and that the application be reviewed under the informal process developed by DOC EERA and Commission staff. This process was presented at a 2017 Commission Planning Meeting. The informal review process generally includes submission of the application, DOC EERA review of the application for completeness, a public meeting and comment period, a DOC EERA recommendation on merits of application, and a Commission decision.

On April 8, 2021, the Commission issued a Notice of Public Information Meeting and Comment Period. The notice was sent to tribal historic preservation offices, agency representatives, and a list of potentially affected landowners and local government units. The notice was published in the April 14, 2021 edition of the Worthington Globe.<sup>11</sup>

On April 29, 2021, a virtual public information meeting was held via WebEx and InterCall. Staff from the Public Utilities Commission and the DOC EERA and representatives from Xcel Energy were available at the meeting to answer questions. Approximately 40 members of the public attended the meeting, two provided comments.<sup>12</sup> Comments included the following:

- Support for the project from a member of the International Union of Operating Engineers, Local 49.
- A question regarding payments related to participation agreements signed with Xcel Energy.

A written comment period was open until May 20, 2021 for initial comments and May 24, 2021 for reply comments. Comments were received from Patricia Johnson, Judy Christians, Robert Schreiber, Laborers' International Union of America Minnesota & North Dakota, Minnesota Department of Natural Resources (DNR), and the Minnesota Department of Transportation (MnDOT), DOC EERA. The Commission received reply comments from Xcel Energy.

## **V. Summary of Comments Received**

### **A. Members of the Public**

Three members of the public submitted comments. The first comment came from Patricia Johnson, who noted she would not sign a wind access buffer setback waiver. Ms. Johnson expressed a concern about a turbine being constructed out of compliance with setback requirements. She also expressed a concern about the proposed projects impacts on the environment and wildlife as well as about noise and shadow flicker.

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<sup>11</sup> Affidavit of Publication – *Affidavit and Tear Sheet\_Public Meeting*. Document ID: [20215-174311-01](#)

<sup>12</sup> Public Record of Meeting. Document ID: [20215-173916-01](#)

The second comment came from Robert Schreiber, he made comments about the negative health impacts, related to sound, that the currently operating Nobles wind farm has had on his life. He also expressed a concern about the negative impact on his property value.

The third comment came from Judy Christians, who expressed concern about the longer blades creating more shadow flicker. She also stated she did not support reducing the project boundaries because of the impact it may have on payments to landowners.

### **B. Laborers' International Union of America Minnesota & North Dakota (LIUNA)**

LIUNA submitted comments on May 10, 2021 expressing support for the project because of the significant consumer, environmental and local economic benefits of the project.

### **C. DNR**

The DNR submitted comments on May 10, 2021 stating that the project area is within the vicinity of federally designated critical habitat for the Topeka Shiner. The fish is a federally listed endangered and state-listed special concern species. The DNR recommended a permit condition to protect the Topeka Shiner via avoiding upstream crossings during spawning season. Potential language for the permit condition is discussed below in DOC EERA's comments.

The DNR also provided clarifying comments on various downstream permitting requirements that may be needed for the project.

### **D. MnDOT**

MnDOT submitted comments on May 10, 2021 stating that any existing turbine locations in proximity to a state trunk highway right of way should warrant additional concern for public safety because of the height increases. MnDOT also noted that if any collection system changes/upgrades are needed, that efforts to consolidate the lines should be made. Lastly, MnDOT noted that any permits applied for will not be issued until the Commission has issued an approved, amended site permit.

### **E. Xcel Energy – Reply Comments**

Xcel Energy submitted reply comments on May 25, 2021. In the comments Xcel responded to the comments submitted into the record by Agencies and members of the public.

#### Reply to Members of the Public

Xcel stated it had followed up with Mr. Kleve (commenter at the public meeting) regarding payments related to participation agreements.

Xcel Energy responded to Mr. Schreiber by noting that the repowered project was modeled at 42 dB(A) at the turbine near him, the same as the current project. The Applicant also noted that there is no evidence of a negative impact to property values.

Xcel responded to Ms. Johnson's concern about a turbine being built out of compliance with setback requirements by stating that the Company doublechecked the turbine believed to be in question and confirmed that it is in compliance with the 3X5 setback requirement. Xcel also noted they will continue to try and work with Ms. Johnson on a wind access buffer waiver.

Xcel responded to Ms. Christians by noting that the change in project boundary would not impact the status of participating landowners.

### Reply to DNR

Xcel stated its commitment to constructing the project in a manner avoiding impacts to the Topeka Shiner. Xcel suggested language that would follow US Fish and Wildlife Service (USFWS) Recommendations for working near waters inhabited by Topeka Shiner. Xcel noted this language was used in the Community Wind North project.<sup>13</sup>

In its Comments and Recommendation on Permit Amendment, DOC EERA stated it had spoken with the DNR that the DNR thought the USFWS language should be effective in achieving the protections the DNR requires.<sup>14</sup> DOC EERA stated it would include this edit to the Draft Site Permit.<sup>14</sup>

### 6.3 Endangered Species

The Permittee must follow U.S. Fish and Wildlife Service's Recommendations for Projects Affecting Waters Inhabited by Topeka Shiners (2016) for avoiding and minimizing impacts for Topeka Shiners. The summary of recommendations for avoiding and minimizing impacts to these populations must be made available to all contractors and its employees.

Additionally, the August 25, 2010 Nobles Wind Site Permit contained similar language protecting Topeka Shiners in section M3.<sup>15</sup>

Xcel Energy also suggested that Wind Site Permit special condition 6.2 Microwave Beam Interference be removed from the final permit (below). Xcel stated that including the special condition would prohibit the repower of Turbine 21 due to potential interference with a microwave beam path.

### ~~6.2 Microwave Beam Interference~~

~~To Avoid potential interference with a county designated microwave beam path, the Permittee shall repower turbine 21 without the installation of large rotor blades.~~

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<sup>13</sup> Community Wind North, Order Approving Amended Site Permit with Conditions, Sept. 25, 2019. Document ID [20199-156059-01](#)

<sup>14</sup> DOC EERA, Comments and Recommendations on Permit Amendment, June 3, 2021. Document ID [20216-174792-01](#)

<sup>15</sup> Repowering Application, Appendix A, p. 17 (pdf p. 24)

The Applicant stated that it had spoken with DOC EERA about the special condition and believe it was included in error. DOC EERA stated in its Comments and Recommendations on Permit Amendment that it agrees the condition should be removed and stated it would edit the Draft Site Permit to reflect this change.<sup>14</sup>

#### Reply to MnDOT

Xcel stated it had confirmed that all turbines are more than 250 ft from all roads and that the closest state trunk highway (MN-91) is three miles away. Xcel Energy reiterated that there are no proposed changes to the collection system.

The Applicant suggested removing the site permit requirement for submitting an affidavit demonstrating all permits and approvals have been obtained prior to starting construction in section 5.6.2 *Other Permits and Regulations* (below).

#### 5.6.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. At least 14 days prior to the pre-construction meeting, the Permittee shall submit a filing with a detailed status update of all permits, authorizations, and approvals that have been applied for specific to the project. The detailed status update shall include the permitting agency or authority, the name of the permit, authorization, or approval being sought, contact person and contact information for the permitting agency or authority, brief description of why the permit, authorization, or approval is needed, application submittal date, and the date the permit, authorization, or approval was issued or is anticipated to be issued.

~~The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such, prior to commencing project construction.~~ The Permittee shall provide a copy of any such permits, authorizations, and approvals upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not pre-empted by federal or state permits and regulations

Xcel believes the requirement is duplicative with other requirements in the section and is concerned the requirement could create delays in the start of construction because they are required to have all permits prior to project construction, despite some permits not being needed to start construction.

Staff notes that DOC EERA stated in its Comments and Recommendations on Permit Amendment that it believes the Commission's intent was to add a final compliance verification

before construction begins.<sup>14</sup> DOC EERA did not agree with Xcel that the requirement was redundant.<sup>14</sup>

## F. DOC EERA

Staff will not repeat the comments from DOC EERA in their entirety, and instead refers the Commission to the June 3, 2021 Comments and Recommendations on Permit Amendment. This section will focus on DOC EERA's recommendations and discussion of Wind Access Buffers and their overall recommendations regarding the site permit amendment request.

DOC EERA stated it believes the applicant has shown the impact of extending the existing setbacks of proposed repower to be *de minimis*. DOC EERA also stated that extending setbacks the length of the larger rotor would not impede the non-participating landowners from developing their land or from exercising their wind development rights. DOC EERA also suggested updated wind site permit language:

### 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 public roads and trails.

~~[The Commission authorizes a variance of the wind access buffer setback for the following turbine locations: 63 turbines, including turbines: 1-2, 8-16, 18, 20-21, 25-26, 30-31, 34, 37, 50-51, 54-56, 58, 61, 63, 66-67, 69-70, 82-86, 89, 92-93, 95-99, 101-102, 105, 108-109, 116-117, 119, 122, 125-128, and 130-134. Update prior to permitting following continuing negotiations.]~~

[The Commission authorizes a variance of the wind access buffer setback for the following turbine locations: ~~37~~ 35 turbines, including turbines: 1-2, ~~12~~, 37, 50-51, 54, ~~56~~, 58, 61, 63, 66-67, 85, 92-93, 95-99, 101-102, 105, 108-110, 116-117, 122, 126, 128, 130-134.]<sup>16</sup>

DOC EERA recommended the Nobles Wind Farm Site Permit Amendment be approved. DOC EERA also recommended Xcel Energy follow USFWS recommendations for protecting Topeka Shiners and provide information on compliance of other downstream permits and approvals, like road agreements and MnDOT approvals. Finally, DOC EERA recommended the Commission grant waivers to the standard wind access buffers and recommended that the permittee continue to seek agreements with nonparticipants potentially affected by the larger buffer sizes.

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<sup>16</sup> Commission staff has updated this language as shown in red and strikethrough to reflect the most recent Update to Appendix C submitted by Xcel Energy on June 23, 2021.

## VI. Staff Analysis

Staff believes there are two issues the Commission must consider. First would the proposed turbine upgrades create new or additive impacts not considered during the initial permitting process and subsequent permit amendments?

Second, does the current permit need to be amended to include additional or modified conditions outlining appropriate mitigation measures that would avoid or minimize identified impacts and ensure environmental preservation, sustainable development, and the efficient use of resources?

### A. Additional Impacts from Proposed Turbine Upgrades

The Application provided an analysis of the potential impacts of the proposed turbine upgrades for the relevant categories identified under Minn. R. 7854.0500, subp. 7. These are the same categories that must be included and analyzed in an initial application for a LWECs site permit. As indicated in the Application and summarized in Section III of these briefing papers, the proposed turbine upgrades are compatible with environmental preservation, sustainable development, and the efficient use of resources.

#### 1. Wind Access Buffer

Commission staff agrees with DOC EERA that the main issue is the Wind Access Buffer setbacks. Xcel Energy, in its application, proposed 63 waivers, but throughout the permitting process Xcel has been able to reach agreements with landowners and brought the number of waivers requested down to 35 of the 134 turbines associated with the project.

The Commission has granted Wind Access Buffer Waivers in other repowering projects, including Community Wind North<sup>21</sup> (3 waivers), Fenton Wind<sup>17</sup> (4 waivers), Jeffers Wind<sup>18</sup> (1 waiver), Lake Benton<sup>19</sup> (16 waivers), and Trimont Wind<sup>20</sup> (20 waivers).

In granting waivers that Commission has imposed conditions on the waivers requiring the permittee to file its last highest offer within a specific timeframe from the order date for landowners who had not responded to the permittee's outreach efforts.<sup>21</sup> For other projects,

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<sup>17</sup> Fenton Wind, Order Granting Wind Access Buffer Waivers, April 25, 2019. Document ID [20194-152349-01](#)

<sup>18</sup> Jeffers Wind, Order Issuing Amended Site Permit, September 23, 2019. Document ID [20199-156016-01](#)

<sup>19</sup> Lake Benton, Order Issuing Amended Site Permit and Requiring Monitoring, July 9, 2018. Document ID [20187-144609-01](#)

<sup>20</sup> Trimont Wind, Order Issuing Amended Site Permit and Requiring Monitoring, June 14, 2019. Document ID [20186-143837-01](#)

<sup>21</sup> Community Wind North, Order Approving Amended Site Permit with Conditions, Sept. 25, 2019. Document ID [20199-156059-01](#)

the Commission required permittees to file an affidavit showing landowner consent to the Commission's waiver.<sup>21</sup> Finally, the Commission has required a permittee to extend their highest final offer and then file a compliance filing updating the Commission on the negotiation status prior to the preconstruction meeting.<sup>18</sup>

The Commission may want to add a condition to the site permit to ensure landowner negotiations continue in order to potentially reduce the number of waivers needed for the project. Below is an example of what was included in the Order on the Jeffers Wind Project:

The Commission hereby grants a waiver to Jeffers Wind of the wind rights access buffer as requested, with the condition that the permittee shall extend a final offer to the remaining landowner for the same amount and terms agreed to by other landowners in similar circumstances or their last offer, whichever is higher. At least 14 days before the pre-construction meeting, the permittee must make a compliance filing describing in detail the results of the negotiation. If no wind rights agreement is reached, the permittee acknowledges that this property will not be foreclosed from installing wind turbine generators on such property at a later date, even if such turbine generators cannot be installed on such property in compliance with the setbacks set forth in Section 4.1.

Staff recommends that Commission approve the Wind Access Buffer requests proposed by Xcel, as updated by Commission staff, with a condition that ensures the Company will continue to attempt to negotiate with landowners and potentially reduce the number of waivers needed for the project.

## **B. Other Issues**

Commission staff agrees with DOC EERA that the language Xcel has proposed removing from permit section 5.6.2 is not redundant and provides a final verification that all applicable permits have been obtained prior to the beginning of construction. Staff recommends the requirement be maintained.

In Section 11 of the Site Permit Amendment Application, Xcel Energy notes that existing Nobles Wind Farm blades and components will be removed and that Xcel will coordinate with the appropriate agencies responsible for recycling or disposal of the blades and other components. Staff believes it would be useful for other repowering dockets, but also the Commission's open Decommissioning docket, E999/M-17-123, to learn more about the component and blade disposal process. The Commission may want to add a condition requiring Xcel to provide the Commission with the estimated cost, options considered, evaluation conducted, option selected or rejected, and the timing for disposal or reuse of turbine blades and components.

## **C. Site Permit Language**

Staff believes the proposed Draft Site Permit will provide protection during the proposed turbine upgrades and future operation of the wind facility. Additionally, the current wind facility has been in operation since 2010 and during that time the project has only received four complaints between 2010 and 2020. Xcel noted in the Application that all of the complaints

have been resolved. Staff agrees with DOC EERA and recommends approval of the Nobles Wind Farm Site Permit Amendment.

Staff suggests two conditions for the Commission to consider. The first is related to the Wind Access Buffers and requiring additional reporting from the applicant regarding ongoing efforts to attain landowner agreements. The second condition would require Xcel to provide information on waste disposal and recycling activities related to the repowering project.

Additionally, staff agrees with the proposed language changes agreed upon by Xcel and DOC EERA regarding the deletion of permit section 6.2 Microwave Beam Interference and the language change related to Topeka Shiners. Lastly, staff updated the language related to permit section 4.1 Wind Access Buffer to reflect the Applicant's most recent filing.

## VII. Decision Options

1. Grant the amendments to the LWECs Site Permit including language proposed by Commission and DOC EERA staff:
  - (1) Conditional granting of Wind Access Buffer waivers with an update to be filed 14 days before the preconstruction meeting.
  - (2) Commission staff's updated Wind Access Buffer waiver language.
  - (3) Proposed deletion of the Microwave Beam Interference language
  - (4) Proposed USFWS language regarding Topeka Shiners
2. Grant the amendments to the Nobles Wind Farm Site Permit without staff's recommended language.
3. Deny the request to amend the Nobles Wind Farm Site Permit Amendment
4. Require a compliance filing at least 14 days before the pre-construction meeting outlining the method for disposal or reuse of the existing turbine blades and other components, providing the estimated cost, options considered, evaluation conducted, option selected or rejected, and the timing for disposal or reuse.
5. Authorize staff to make further administrative permit modifications as necessary to ensure consistency with the record and recently issued permits.
6. Take some other action deemed appropriate.

Staff Recommendation: 1 and 4 and 5