

Appendix A
Scoping Decision

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**In the Matter of the Application of
Walleye Wind, LLC for a Site Permit for
the up to 109.2 MW Walleye Wind
Project in Rock County, Minnesota
IP7026/CN-20-269**

ENVIRONMENTAL REPORT SCOPING DECISION

The above matter has come before the Department of Commerce for a decision on the content of the Environmental Report (ER) to be prepared in consideration of the Walleye Wind LLC (Walleye Wind) Application for a Certificate of Need (CN) for the proposed 109.2 Megawatt (MW) Walleye Wind Project (Project) in Rock County. Walleye Wind is a subsidiary of NextEra Energy Resources, LLC.

The Project requires both a CN and a site permit from the Minnesota Public Utilities Commission (Commission) before construction and operation. The CN and the site permit are being considered by the Commission in separate dockets (dockets CN-20-269 and WS-20-384 respectively).

Statute and rule require that an ER be prepared in CN dockets. The Department of Commerce's Energy Environmental Review and Analysis (EERA) staff is responsible for preparing the ER. The ER will be prepared per Minnesota Rule 7849.1100-2100 and is part of the record the Commission will consider in its decision on issuance of a CN for the Project.

On July 9, 2020, Walleye Wind, LLC filed a CN Application with the Commission for the Project.¹ On October 20, 2020, the Commission issued an order accepting the application as substantially complete and authorizing an informal review process.² On November 4, 2020, Walleye Wind filed amended the CN application.³ The project, as described in the amended application is substantially the same as that described in the original application. The most notable changes are changes to the proposed layout that result in the slight reduction in nameplate capacity to 109.2 MW, modifications to total length of access roads and underground collector lines, and a removal of one of the turbine models under consideration.

The proposed project encompasses approximately 31,000 acres (49 square miles). Walleye Wind proposes constructing up to 40 turbines for the project, using mostly of GE 2.82 MW turbines with a smaller number of GE 2.3 MW turbines.⁴

A public meeting was held on January 5, 2021, to receive comments on the scope of the ER. Due to the current COVID-19 pandemic, the meeting was conducted remotely. Approximately 120 individual lines

¹ Walleye Wind, LLC, *Application for a Certificate of Need*, July 9, 2020. eDocket ID: [20207-164773-01](#), [20207-164773-02](#)

² Commission, *Order Accepting Applications as Complete, Establishing Review Procedures, and Granting Variances*, October 20, 2020, eDocket ID: [20207-164773-02](#)

³ Walleye Wind, *Amended Application for a Certificate of Need*, November 4, 2020. eDocket ID: [202011-168044-01](#), [202011-168044-02](#), [202011-168044-03](#)

⁴ Walleye Wind, *Informational Filing*, January 29, 2021. eDocket ID: [20211-170488-01](#). Based on the filing, Walleye Wind plans to use 36 GE 2.82 MW turbines (4 with a hub height of 89 meters, and 28 with a hub height of 114 meters) and 4 GE 2.32 MW turbines with a hub height of 80 meters. In addition to the 40 primary locations identified in the filing, there are 5 alternate locations proposed, 4 GE 2.82 MW 114-meter hub height and 1 proposed GE 2.32 80-meter hub height.

were connected to the audio portion of the meeting and 19 people made comments at the meeting.⁵ EERA staff received 24 written comments during the scoping period between December 18, 2020 and January 26, 2021.⁶ Subsequent to the scoping comment period, Walleye Wind provided a memo clarifying its intent to construct a 40-turbine project and clarifying the “primary” and “alternate” designations and turbine numbering.⁷ In addition to those comments received during the scoping period, the Commission received a number of comments on the project prior to issuing the notice requesting scoping comments.⁸

Comments received on the project expressed support for the economic impacts of the project as well as concerns about project impacts related to noise, aesthetics, communication signals, turbine lighting, transportation infrastructure, animal agriculture, human health, wildlife, and decommissioning at the end of the project’s life. Individual commenters raised issues related to the siting of certain turbines and whether the turbines could be sited without landowner consent.

The proposed project is intended to produce renewable energy in furtherance of Minnesota’s renewable energy objectives. Accordingly, alternatives examined in the ER will be limited to “eligible energy technologies” that support these objectives (Minnesota Statute 216B.1691). These alternatives will include: (1) a generic 109.2 MW wind generation project sited elsewhere in Minnesota, (2) a 109.2 MW solar farm, and (3) a “no-build” option. An ER provides a high-level environmental analysis of the proposed project and system alternatives, and reviews environmental impacts associated with proposed project and project alternatives as part of a larger Commission review of the CN application. The Commission in its overall review will address all the issues and alternatives required by rule.

Having reviewed the matter and consulted with the Department of Commerce EERA staff, and in accordance with Minnesota Rules 7849.1400 and 7849.1500, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

- 1 Introduction**
- 2 Regulatory Framework**
 - 2.1 Environmental Report
 - 2.2 Permitting Authority and Additional Permits
 - 2.3 Public Participation
- 3 Description of the Proposed Project [Minn. Rule 7849.1500, subp. 1, A]**

⁵ *Summary of Public Comments Received at January 5, 2021, Public Information and Scoping Meeting.* January 22, 2021. eDocket ID: [20211-170142-02](#)

⁶ Compiled Public Scoping Comments, February 1, 2021, eDocket ID: [20212-170594-02](#); Other public scoping comments eDocket ID: [20211-169535-01](#), [202012-169227-01](#), Minnesota Department of Natural Resources Scoping Comments, January 26, 2021, eDocket ID: [20211-170291-01](#), [20211-170293-01](#); MnDOT Scoping Comments, January 26, 2021, eDocket ID [20211-170313-01](#); MPCA Scoping Comments, January 25, 2021, eDocket ID: [20211-170252-01](#);

⁷ Walleye Wind *Informational Filing* January 29, 2021, eDocket ID: [20211-170488-01](#) ...

⁸ Public comments received November 13, 2020 to December 17, 2020, eDocket ID: [202012-169126-01](#), [202012-168910-01](#), [202012-168903-02](#), [202011-168634-01](#), [202011-168634-02](#), [202011-168634-03](#), [202011-168637-01](#), [202011-168652-01](#), [202011-168574-01](#), [202011-168574-02](#), [202011-168574-03](#), [202011-168574-04](#), [202011-168574-05](#), [202011-168492-01](#), [202011-168399-01](#), [202011-168382-01](#), [202011-168337-01](#), [202011-168337-02](#), [202011-168337-03](#), [202011-168303-01](#), [202011-168303-02](#), [202011-168303-03](#), [202011-168303-04](#)

- 3.1 Project Description
- 3.2 Project Location
- 3.3 Project Cost and Schedule
- 4 Description of Project Alternatives [Minn. Rule 7849.1500, subp. 1, B]**
 - 4.1 109.2 MW LWECS
 - 4.2 109.2 MW Solar Farm
 - 4.3 No Build Alternative
- 5 The No Build Alternative**
 - 5.1 Impacts
 - 5.2 Benefits
- 6 Human and Environmental Impacts [Minn. Rule 7849.1500, subp. 1, C, D,E]**
 - 6.1 Air Quality [Minn. Rule 7849.1500, subp. 2,]
 - 6.1.1 Criteria Pollutants
 - 6.1.2 Hazardous Air Pollutants and Volatile Organic Compounds
 - 6.1.3 Greenhouse Gasses
 - 6.1.4 Ozone
 - 6.2 Water Resources
 - 6.2.1 Water Appropriations [Minn. Rule 7849.1500, subp. 2, G]
 - 6.2.2 Wastewater [Minn. Rule 7849.1500, subp. 2, H]
 - 6.2.3 Groundwater
 - 6.2.4 Surface Water
 - 6.2.5 Wetlands
 - 6.3 Solid and Hazardous Wastes [Minn. Rule 7849.1500, subp. 2, I]
 - 6.4 Natural Resources
 - 6.4.1 Environmental Setting
 - 6.4.2 Wildlife
 - 6.4.3 Vegetation
 - 6.4.4 Rare and Unique Natural Resources
 - 6.5 Human and Social Environment
 - 6.5.1 Demographics
 - 6.5.2 Aesthetic Impact and Visibility Impairment
 - 6.5.3 Shadow Flicker
 - 6.5.4 Facility and Turbine lighting
 - Aircraft detection lighting systems (ADLS)
 - 6.5.5 Noise [Minn. Rule 7849.1500, subp. 2, J]
 - 6.5.6 Property Values
 - 6.5.7 Local Economy
 - 6.5.8 Public Health and Safety
 - 6.6 Associated Electrical Facilities and Existing Infrastructure
 - 6.6.1 Associated Electrical Facilities [Minn. Rule 7849.1500, subp. 2, F]
 - 6.6.2 Existing Infrastructure
 - 6.7 Fuel Availability [Minn. Rule 7849.1500, subp. 2, E]
 - 6.8 Agriculture
 - 6.8.1 Cropland
 - 6.8.2 Livestock

7 Availability and Feasibility of Alternatives [Minn. Rule 7849.1500, subp. 1, F]

- 7.1 Walleye Wind Project
- 7.2 Generic 109.2 MW LWECS
- 7.3 109.2 MW Solar Farm
- 7.4 No-build Alternative

8 Permits [Minn. Rule 7849.1500, subp. 1, G]

The above outline is not intended to serve as a “Table of Contents” for the ER document, and as such, the organization (i.e., structure of the document) of the information and the data may not be similar to that appearing in the ER.

ISSUES OUTSIDE OF THE ENVIRONMENTAL REPORT

The Environmental Report will not consider the following matters, as they are addressed in the Large Wind Energy Conversion System (LWECS) Site Permit process (Item 1), they are considered private contractual matters outside the Department’s purview (Item 2), and would be outside the appropriate scoping procedures (Item 3):

- 1. Impacts or mitigative measures associated with specific sites, including specific tower or road locations for the proposed project and alternatives.
- 2. The negotiation and content of easement agreements by which land owners are paid for property rights, including wind rights.
- 3. Any alternatives not specifically described in this scoping decision.

SCHEDULE

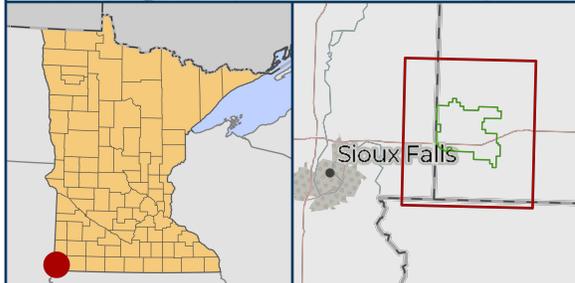
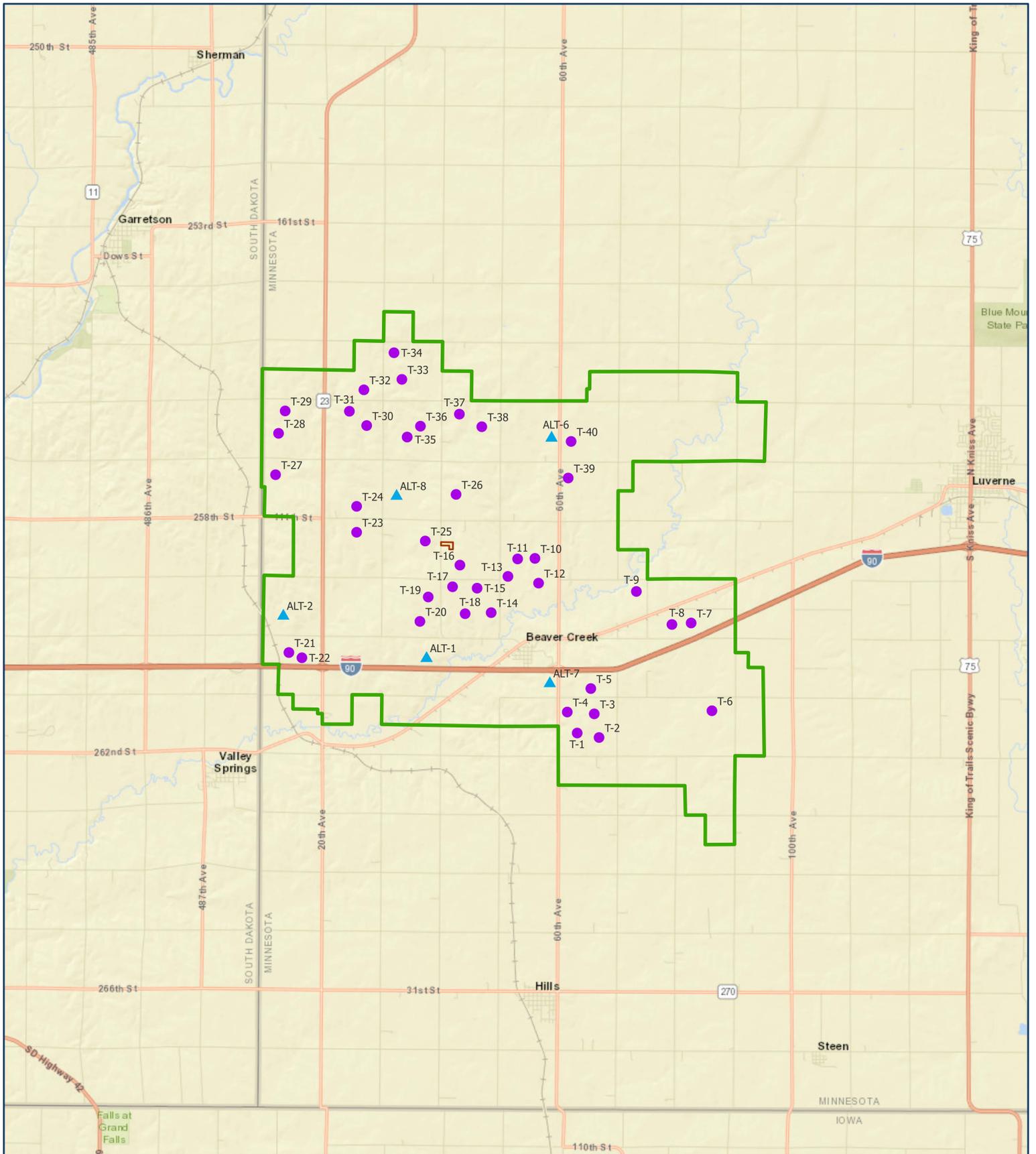
The Environmental Report will be completed no later than the end of March 2021. A public hearing will be held before an Administrative Law Judge after the Environmental Report has been issued and notice served.

Signed this 3rd day of February 2021

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

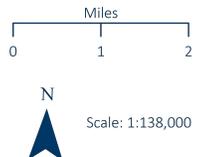


Aditya Ranade, Deputy Commissioner



Walleye Wind: Overview Map

- Primary Turbine Locations
- ▲ Alternate Turbine Locations
- O&M Building and Substation Location
- Site Boundary



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