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April 8, 2010

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
127 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101-2147

**RE: Comments and Recommendation of the Office of Energy Security Energy  
Facility Permitting Staff  
Docket No. IP6701/WS-08-1233**

Dear Dr. Haar:

Attached are the Comments and Recommendation of the Office of Energy Security Energy Facility Permitting Staff in the following matter:

In the Matter of the Application of Goodhue Wind, LLC, for a Large Wind Energy Conversion System Site Permit for the 78 Megawatt (MW) Goodhue Wind Project in Goodhue County.

The OES EFP staff is also providing you with:

- A. Proposed Site Map.
- B. Draft Site Permit.

Staff is available to answer any questions the Commission may have.

Sincerely,

/s/ LARRY B. HARTMAN  
OES EFP Staff

LBH/ja  
Attachment



**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**COMMENTS AND RECOMMENDATIONS OF THE  
MINNESOTA OFFICE OF ENERGY SECURITY  
ENERGY FACILITY PERMITTING STAFF**

**DOCKET No. IP-6701/WS-08-1233**

Meeting Date: April 15, 2010.....Agenda Item # \_\_\_\_\_

Company: **AWA Goodhue, LLC**

Docket No. **IP-6701/WS-08-1233**  
**In the Matter of the Application of AWA Goodhue, LLC, for a Large Wind Energy Conversion System (LWECS) Site Permit for the 78 MW Goodhue Wind Project in Goodhue County.**

Issue(s): Should the Public Utilities Commission (Commission) issue a draft site permit for public comment?

OES Staff: Larry B. Hartman .....651-296-5089

**Relevant Documents**

Site Permit Application.....October 19, 2009

Public Comments Received by OES on Issues that should be considered

In Developing a Draft Site Permit.....April 6, 2010

The enclosed materials are the work papers of the Office of Energy Security (OES) Energy Facility Permitting Staff (EFP). They are intended for use by the Public Utilities Commission and are based on information already in the record unless otherwise noted.

This document can be made available in alternative formats, i.e., large print or audio tape by calling (651) 201-2202 (Voice) or 1-800-627-3529 (TTY relay service).

## **Document Attached**

1. Proposed Goodhue Wind Project Site Map
2. Proposed Draft Site Permit

See eDocket filings (08-1233) at <https://www.edockets.state.mn.us/EFiling/search.jsp>, or the Commission website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25631> for project related documents.

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## **Statement of the Issues**

Should the Commission make a preliminary determination to issue a draft large wind energy conversion system (LWECS) site permit for distribution and public comment?

If issued, should the Commission grant the request for a contested case hearing on the Goodhue Wind Project?

## **Introduction and Background**

AWA Goodhue Wind, LLC, submitted an amended site permit application to construct the proposed 78 megawatt (MW) Goodhue Wind Project in Goodhue County. The application was filed on November 4, 2009, and accepted by the Commission on November 30, 2009.

### ***Project Location***

The proposed Goodhue Wind Project will be located in south-eastern Goodhue County on agricultural land in Bell Creek, Goodhue, Minneola and Vasa townships, west of the city of Goodhue and north of the city of Zumbrota. Goodhue Wind has recently indicated that it now has approximately 12,000 acres of land under easement agreements within the 32,684 acre project boundary. Assuming representative buffer setbacks based on rotor diameters (RD's) and distances of 1,000 feet or more from the homes of participating landowners, a minimum setback of 1,500 feet from the homes of nonparticipating landowners, and other setback requirements, the wind easements under Goodhue Wind's site control should be sufficiently large enough to provide Goodhue Wind with some flexibility in the micro-siting process.

### ***Project Description***

The Project for which a permit is being requested includes the following associated facilities:

1. A wind turbine layout consisting of up to 52 General Electric 1.5 MW wind turbine generators mounted on 80 meter (262.5 foot) towers, with a rotor diameter of 82.5 meters (271 feet);
2. Gravel access roads;
3. Electrical collection system, project substation and permanent meteorological towers; and
4. Operations and maintenance building.

The Applicant's stated goal is to complete the construction of the Project and achieve commercial operation prior to December 31, 2010.

## **Regulatory Process and Procedures**

A site permit from the Commission is required to construct a Large Wind Energy Conversion System, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity (See Minn. Stat. 216F). This requirement became law in 1995. The rules to implement the permitting requirement for LWECs are now in Minnesota Rules Chapter 7854.

### ***Certificate of Need***

Because the Goodhue Wind Project is larger than 50 MW, it is considered a “large energy facility” as defined by Minn. Stat. 216B.2421, subd. 2 (1) and a Certificate of Need (CN) from the Commission is required for the Project under Minnesota Statute 216B.243. The Applicant applied for a CN from the Commission (October 15, 2009) prior to filing its site permit application. See Docket No. 6701/CN-09-1186.

On December 30, 2009, the Commission accepted Goodhue’s CN application as complete and issued an order providing for review under the informal review process to develop the CN record, using comment and reply, and addressed exemption requests and a variance to the 45-day timing requirement in Minn. Rules, part 7849.0200, subp. 6. A scoping meeting for the Environmental Report required for the CN process was held in Mazeppa on March 4, 2010. OES EFP staff anticipates the Environmental Report evaluating the human and environmental impacts of the proposed project will be available in June, 2010.

### ***Site Permit Application and Acceptance***

AWA Goodhue Wind, LLC, filed an application with the Commission for a site permit on October 20, 2009. The Commission accepted the site permit as complete in its order dated November 30, 2009. A Notice of Application Acceptance was issued by OES on December 4, 2009 and was published in three local newspapers and distributed to local governments and landowners in the Project Area from December 9 through December 11, 2009. Public comments on application completeness and issues to be included in the draft site permit were accepted through January 22, 2010. The comments received are summarized below under the heading

### ***Preliminary Determination on Draft Site Permit***

Minnesota Rule 7854.0800 states that: “Within 45 days after acceptance of the application by the PUC, the PUC shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the PUC shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECs, and proposed permit conditions.”

In its November 30, 2009, Order the Commission granted a variance to Minnesota Rules, part 7854.0800 to extend the period for the Commission to make a preliminary determination on whether a permit may be issued or should be denied for an unspecified, but reasonable period of time.

Issuing a draft site permit does not authorize a person to construct a LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date. OES EFP staff will bring this matter back to the Commission for final action upon the conclusion of the public participation process.

### ***Public Participation Process***

If the Commission makes a preliminary determination that the draft site permit may be issued, the OES EFP staff will implement the public participation process identified in Minnesota Rule 7854.0900. The public will be notified that a draft site permit has been issued, a public comment period will be established, and a public information meeting or hearing presided over by an Administrative Law Judge will be held near the project location. OES EFP staff will work with the public, local governmental units, and state agencies to identify issues, impacts and potential mitigation measures prior to bringing this matter back to the Commission for a final permit decision.

Minnesota Rule 7854.0900, Subpart 5, provides the opportunity for any person to request that a contested case hearing be held on the proposed LWECS project. The request must be filed within the time period established for submitting comments on the draft site permit and must include the issues to be addressed in a contested case hearing and the reasons a hearing is required to resolve these issues.

### **OES EFP Staff Analysis and Comments**

The OES EFP analysis is divided into two separate parts. The first part of the analysis summarizes and responds to the public comments received prior to the January 22, 2010 deadline. The second part of the analysis addresses the request of Goodhue Wind Truth for a contested case hearing on the siting docket (08-1233).

### ***Public Comments***

Written comments on application completeness and issues that should be considered in the draft site permit were received from 10 citizens and four governmental agencies and are summarized below and followed by an EFP response. See eDockets at 08-1233 (document ID number 20104-48870-01) for the all the comments identified above. Other comments were received in conjunction with the scoping period for the Environmental Report that will be prepared for the CN docket (09-1186) and they are not addressed here.

**Chris Buck:** Mr. Buck's comments addressed three topics; however, only one of the topics related to the siting docket. Mr. Buck noted that Goodhue submitted inaccurate information by siting turbines on land they did not have easements on and that homes were left off of Goodhue's site map.

*EFP Response:* Goodhue Wind in an April 5, 2010, letter acknowledged that their original map unintentionally omitted a number of area residences. Goodhue will continue to provide updated maps that depict all existing homes and residences that have obtained building permits.

**Catherine Friend and Melissa Peteler:** Ms Friend and Peteler commented that the State's Office of Geographic and Demographic Analysis graphics indicate the population of Goodhue County is expected to increase between now and 2020 while the southwest, west and northwest part of the state are expected to loose population and suggested that the turbines be located in less densely populated parts of the state.

*EFP Response:* Initially wind turbines were located in the southwestern part of the state where it is somewhat less populated. However, given Minnesota's abundant wind resources, advances in turbine technology, legislatively mandated renewable energy standards, and the ability to connect to the electrical grid has led to development of wind energy facilities in numerous counties throughout the state. A wind developer can only build wind facilities on lands where they have agreements with landowners to host wind facilities and have a point of interconnection to the grid.

**Mark and Susan Hinrichs:** The Hinrichs commented on several items. First, they suggested that turbines should be setback ½ mile or more from property lines and residences. Second, Goodhue's maps are inaccurate. The Hinrichs also indicated that they believe the Goodhue Wind Project will have a negative effect on local land values, neighbors and the local communities, as well as problems with noise and shadow flicker effects.

*EFP Response:* The proposed draft site permit (III.C.2 and III.N.2) has a setback of 1,000 to 1,500 from residences of participating landowners and a minimum setback of 1,500 feet from the residences of non-participating landowners as per the applicant's commitment. If turbines were required to have a ½ mile setback from homes or property lines there would be very few places, if any, in Goodhue County or the state where turbines could be located. Goodhue Wind has filed updated maps indicating where residences are located and will continue to update their maps through the permitting process. The proposed draft site permit requires Goodhue Wind to comply with the state noise standards (III.E.2). In additional, staff included a requirement for a post-construction noise study to verify compliance with the standards at condition III.G.2.and also requires a noise study (III.F.2). Staff has also included a special condition in the Draft Site Permit, Condition III.N.1 requiring an Applicant to provide data on shadow flicker impacts at the time it submits the final site plan to address resident's concerns.

**Erin Logan:** Several of Ms. Logan's comments pertain primarily to information or lack of information provided by Goodhue Wind in its site permit application. Ms. Logan commented that: 1) more detailed information should be provided and that the application/site plan should not have any less stringent requirements that those imposed on any citizen/landowner in Goodhue County; 2) the Point of Interconnection should be included in the study area, presently they are outside of the study area; the application is incomplete because it excluded one meteorological tower and the O&M building; 3) turbine locations may make large portions of her property unbuildable; 4) temporary roads are a substantial cost and whether they are included in decommissioning costs; 5) project decommissioning; 6) noise levels at homes of non-participating landowners should not be noticeably louder that the current background noise levels or affected by shadow flickers, or experience communication interference; and 7) information regarding Bald Eagle nests near the project area is inaccurate.

*EFP Response:* 1) If a permit is issued, Goodhue Wind would be required to submit a detailed site plan (III.A.1) for the project that demonstrates compliance with permit setback requirements (III.C 1 through 7) and other permit requirements; 2) Points of Interconnection are often outside the project study area, and any transmission lines, in this case 69 kV, necessary to get to those Points of Interconnection are permitted by the appropriate local governmental; 3) turbines will be located 1,500 feet or more from non-participating residences (III.C.2) and also be setback at least 5 rotor diameters (RD) on the prevailing wind directions and 3 RD on the non-prevailing wind directions from the perimeter of lands where the Permittee does not hold the wind rights (III.C.1); 4) turbine access roads will be removed and the land restored during decommissioning, unless the landowner elects to keep the road; 5) decommissioning, restoration and abandonment are addressed in the site permit at III.G 1 through 3; 6) Goodhue Wind is required to comply with the state noise standards (III.E.2) and as noted earlier a post-construction noise survey is required to verify compliance with the standards, in addition a shadow flicker analysis is also required (III.N.1); electronic interference is addressed at condition III.D.3; and 7) the Applicant will be providing additional information about the presence of Bald Eagles.

**Patricia and Richard Morrissey:** The Morrissey's commented on health and safety as well as noise and nighttime light requirements if the requested setbacks are allowed for the Goodhue Wind Project. Their comments also addressed negative impacts on property values and their belief that Goodhue County is too densely populated for a project of this magnitude and should not be allowed unless setbacks are increased.

*EFP Response:* Health and safety concerns are being addressed by the Commission on a case by case basis. The project is required to comply with the Minnesota Pollution Control Agency noise standards (III.E.3). According to information in Goodhue's site permit application a single GE 1.5 MW xle turbine can meet the state noise standard of 50dBA at a distance of 531 feet (162 meters) from a residence. Exhibit A-7 in the site permit application illustrates the noise footprint for the GE 1.5 MW xle turbine. Tower lighting requirements are established by the Federal Aviation Administration (FAA), for public safety and lights are required for public safety (III.E.4). The population density of the townships within the project study area are somewhat higher than in other parts of the state; however, the population density does not preclude turbine placement, while adhering to setbacks of between 1,000 to 1,500 feet from residences for participating landowners and a minimum of 1,500 feet from the residences of non-participating landowners.

**Rochelle and Thomas Nygaard:** The Nygaard's commented that a setback of ½ mile or more from non-participating residents is the responsible thing to do. They also commented that the turbines would compromise the safety of the Prairie Island Nuclear Plant due to terrorism.

*EFP Response:* Turbine setbacks are addressed in the site permit at III.C 1 through 7. Because turbine heights exceed two hundred feet, their specific location must be approved by the FAA. Developers are required to complete FAA Form 7460-1 for every turbine location. FAA review of specific turbine locations, which also includes review by the Office of Homeland Security, will determine if the proposed turbine locations represent an aviation hazard or a security issue. The FAA also determines what the turbine lighting requirements. See site permit at III.E.7.

**Bill O'Reilly:** Mr. O'Reilly commented that he believes this project would be a threat to the Prairie Island Nuclear Plant, create radar clutter and that the turbines should be 45 miles from the nuclear plant.

*EFP Response:* See EFP Response above under Nygaard. At this time, EFP staff cannot find any documentation that prohibits windfarms being within 45 miles of a nuclear facility.

**Dave and Mary Jo O'Reilly:** The O'Reilly's, who are organic dairy farmers, commented that the developers are ignoring health risks and costs and that the project is being pushed through the system way too fast.

*EFP Response:* Potential health risks are addressed by the Commission on a case by case basis. Similarly, costs will also be examined by the Commission in the PPA dockets and in the certificate of need proceeding.

**Regina Poncelet:** Ms Poncelet commented about the health and welfare of the citizens living near these wind turbines, the affect this will have on the property value of the land and how it will affect the surrounding communities.

*EFP Response:* Ms. Poncelet's comments are similar to other comments. The Commission does consider health and safety issues, which are addressed through setback requirements from roads, residences, compliance with MPCA noise standards and other permit conditions.

**Lois Zemke:** Ms. Zemke commented on project cost, the cost of turbine maintenance, sight pollution, and noise and suggested that more should be done to conserve our use of electricity.

*EFP Response:* Project costs are being examined in the PPA and CN dockets. Turbine maintenance costs are factor in by the developer when designed the project. Turbines are complex machines and like any other piece of equipment do require maintenance to optimize performance. The turbines must comply with the MPCA noise requirements as specified in the permit at III.E.3.

**City of Zumbrota:** On January 20, 2010, the Zumbrota Economic Development Authority adopted a resolution requesting the Commission to restrict the Goodhue Wind Project area to be two miles from the Zumbrota City Limit.

*EFP Response:* EFP staff has reviewed the Goodhue County zoning maps. A review of these maps indicates the project site boundary in the Zumbrota area is in an area that is zoned A1 (Agricultural Protection) and that the buffer requested by Zumbrota goes beyond the area zoned as A3 (Urban Fringe). National Wind has met with city of Zumbrota to review their concerns; however, no formal action has been taken and the discussion was tabled for a period of two weeks. EFP staff expects that National Wind and Zumbrota will be able to provide the Commission with additional information at a later date.

**Minnesota Department of Natural Resources:** DNR's comments noted that the project proposer is conducting an avian and bat risk assessment, loggerhead shrike habitat assessment, and pre-construction avian spring migration survey to address concerns related to avian and bat impacts and that fatality rates could be higher when turbines are located near wetlands, grassland, or woodlands. DNR's comments also pointed out the presence of the Douglas State Trail and suggested a setback from the trail and that turbine placement should consider the visual impact and safety of trail users.

*EFP Response:* EFP staff anticipates that the various assessments described above will be introduced into the record of this proceeding and that additional permit recommendations may be made as a result of those assessments. Trail setbacks have not been reviewed with DNR staff and at this time are not addressed in the proposed draft site permit.

**Minnesota Department of Transportation:** Mn/DOT's comments pointed out the potential for impacts to Mn/DOT interests in the vicinity of Minnesota State Highway 58 (MN 58), and US Highway 52 (US 52), MN Bridge 58 bridge replacement 5188, and a box culvert 6160 project over the north fork of the Zumbro River in Zumbrota scheduled for 2010. Mn/DOT also pointed out that a Management and Safety Plan is underway for US 52 in this area, and is progressing toward the vision of US 52 becoming a Freeway/Expressway from Rochester to the Twin Cities area.

Mn/DOT's other comments expressed concern about the location of associated transmission lines and cumulative effects of access to the Operations and Maintenance building as referenced in the application or any other work done adjacent to and within Mn/DOT right-of-way.

*EFP Response:* The proposed site permit addresses road related issues and other permit requirements at III.B.8 and at III.M.2 and 3. Associated transmission lines for LWECS are permitted by the appropriate responsible governmental unit if the associated transmission facilities are located within or cross road rights-of-way.

**Minnesota Pollution Control Agency:** The MPCA comments noted the following items: 1) this project will require a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit from the MPCA prior to construction; 2) any project that will result in over 50 acres of disturbed area and has a discharge point within one mile of an impaired water is required to submit their Stormwater Pollution Prevention Plan (SWPPP) to the MPCA for review at least 30 days prior to commencement of land disturbing activities; 3) the project area encompasses the headwaters of Hay Creek and two tributaries to Belle Creek that have been identified by the Minnesota Department of Natural Resources as trout streams and that the NPDES/SDS permit requires additional best management practices and enhanced runoff controls for discharges to these special waters; 4) that Belle Creek is listed on the MPCA 303(d) Total Maximum Load List of Impaired Waters for Aquatic Life due to Turbidity and that this impairment will dictate increased stormwater treatment both during construction and require increased permanent treatment post construction; and 5) the project needs to obtain a United States Army Corp of Engineers Section 404 Permit and that the project's proximity to impaired waters may also require a Clean Water Act Section 401 Water Quality Certification or waiver from the MPCA to verify compliance with state water quality standards.

*EFP Response:* MPCA comments one and two above are addressed in the proposed site permit at III.B.9. The other MPCA comments are addressed in the site permit at III.M. 1, 2 and 3.

***Request for Contested Case Hearing***

On February 12, 2010, Goodhue Wind Truth filed a petition with the Commission requesting a contested case hearing in the Power Purchase Agreement dockets (M-09-1349 and M-09-1350), Certificate of Need docket (CN-09-1186) and Siting docket (WS-08-1233). Goodhue Wind Truth requested that the Commission Order a contested case hearing, with joint hearings as contemplated under Minnesota Rules to address all four dockets identified above.

**EFP Response:** Minnesota Rules 7854.0900 provide guidance for the Commission when a contested case hearing is requested. Under Minnesota Rules 7854.0900, Sub.5 (B), any person may request in writing that a contested case hearing be held on an application for a site permit for a proposed LWECs project. The request must be filed within the time established for public comments on the draft site permit. The request must include the issues to be addressed in the hearing and the reasons a contested case hearing is required to resolve those issues.

Normally a request for a contested case would be filed prior to the close of the public comment period on the draft site permit. In this instance, Goodhue Wind Truth's petition for a contested case hearing in the siting docket (WS-08-1233) was filed prior to any action by the Commission regarding issuance of a draft site permit for public comment and may be pre-mature; however, the filing was timely for the PPA and CN dockets. To facilitate coordination between the PPA dockets and the CN and siting dockets, EFP staff believes it appropriate to address the request for a contested case hearing at this time rather than later for administrative efficiency in Commission review of the PPA, CN and siting dockets on the Goodhue Wind Project.

Minnesota Rule 7854.0900, Subp. 5. (B) states "The Commission shall order a contested case hearing if the commission finds that the person requesting the contested case hearing has raised a material issue of fact of fact and that holding a hearing would aid the PUC in making a final determination on the permit application."

For a contested case hearing, Minnesota Rules 7854.0900, Subp (D) states: the Commission shall identify the issues to be resolved and limit the scope and conduct of the hearing according to applicable law, due process, and fundamental fairness. Alternatively, the Commission may request the administrative law judge to identify the issues and determine the appropriate scope and conduct of the hearing according to applicable law, due process, and fundamental fairness.

Thus, the two issues before the Commission are: 1) have the person's who submitted the written comments "raised a material issue of fact" and; 2) would a contested hearing aid the PUC in making a final determination on the permit application?

With regard to the first issue, EFP staff believes that Goodhue Wind Truth **has not** "raised a material issue of fact." Their petition states: "If sited as proposed, it will have an impact on local residents and property that cannot be mitigated. See record of Public Health Impacts of Wind Turbines, Docket 09-845." Numerous residents of Goodhue County have submitted comments

in Docket 09-845; however, those comments are similar to comments received on other wind siting dockets, such as Lakeswind, Bent Tree, Noble Flat Hill, EcoHarmony, and Pleasant Valley.

LWECS site permits contain conditions that address noise, setbacks and other issues. These have been developed over time to incorporate state standards into LWECS requirements and respond to issues that have arisen in the permitting process.

With regard to second issue, EFP staff does not believe that a contested case hearing is the most appropriate course of action for providing the public with a mechanism to present information on issues identified.

First, EFP staff believes that there are other mechanisms available for the petitioner's to achieve their stated objective of presenting documents that substantiate their requests for setbacks and other permit related issues. As noted earlier, the Certificate of Need proceeding associated with this project (PUC Docket No. IP-6701/CN-09-1186) includes a public hearing. The Commission could expand the scope of the hearing to include siting and permitting issues as well as the need for the project and the PPA agreements. This would provide another venue for siting and permitting concerns to be expressed without holding a separate contested case hearing in this docket. This approach has been used in other dockets before the Commission and is consistent with past practices in Minnesota's wind siting program to resolve issues of significance. Since 1995, Minnesota's wind siting program has dealt with numerous issues. A goal of the program is to provide uniformity and standards through permit conditions that apply to all developers of wind energy facilities in Minnesota.

Second, the issues raised are not unique to the Goodhue Wind Project. Similar issues and concerns are also being raised by persons from other counties (Clay, Freeborn, Mower, and Dodge). It is expected that the issues raised by Goodhue Wind Truth in this docket will be expressed in subsequent LWECS site permit proceedings. Consequently, these issues are of concern to residents within this project, to National Wind, to residents who may reside near future projects, to other wind developers in Minnesota and to developers in other states who follow what is going on in Minnesota.

Many of these issues have been addressed through permit requirements to further insure that proposed wind projects are in compliance with all rules and regulations of all state and federal agencies. The methodologies by which these requirements have been established vary, but it has always been an objective of the program to be pro-active in resolving emerging issues when identified.

\* \* \* \* \*

OES EFP staff has used the information in the site permit application, commitments made by Goodhue Wind, and experience with other LWECS projects as a guide for evaluating whether a draft site permit may be issued for this project or should be denied, pursuant to Minnesota Rules 7854.0800, Subpart 1. OES EFP finds that the available information is sufficient to conclude that it is appropriate to make a preliminary determination that a site permit may be issued for the project. The applicant will continue to provide additional necessary information as requested by the OES EFP staff. EFP staff will also initiate additional research efforts on issues and

information to be introduced into the record of this proceeding in order to assist the Commission in its deliberations as to whether a final site permit may be issued and the conditions it should include to mitigate project impacts on the human and natural environment.

OES EFP staff has prepared a draft site permit identifying the permittee, the proposed LWECS, and proposed permit conditions. The proposed draft site permit is attached to these Comments and Recommendations. Commission approval of the draft site permit will allow for distribution of the draft site permit and initiation of the public review process for the project, which includes a formal public comment period and a hearing for the CN proceeding.

As previously noted, issuing a draft site permit does not authorize a person to construct a LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date.

### **Commission Decision Options**

#### **A. Preliminary Determination to issue a Draft Site Permit**

1. Make a preliminary determination that a draft site permit may be issued.
2. Make a preliminary determination that the draft site permit should be denied.
3. Make another decision deemed more appropriate.

#### **B. Approve the proposed Draft Site Permit for distribution and public comment**

1. Approve the proposed draft site permit for the Goodhue Wind Project for distribution and public comment. Authorize OES EFP staff to implement the public participation process found in Minnesota Rules 7854.0900.
2. Amend or modify the proposed draft site permit for the Goodhue Wind Project for distribution and public comment. Authorize OES EFP staff to implement the public participation process found in Minnesota Rules 7854.0900.
3. Make another decision deemed more appropriate.

#### **C. Hearing Request**

1. Take no action at this time.
2. Deny the request for a contested case hearing.
3. Deny the request for a contested case hearing, but expand the scope of the public hearing that will be held on the Certificate of Need proceeding to include siting matters related to the Draft Site Permit to the extent feasible.
4. Grant the request for a contested case hearing and combine the contested case hearing with the certificate of need proceeding to the extent feasible.
5. Make some other decision deemed more appropriate.

**EFP Staff Recommendation:** Staff recommends option A1, B1, and C3.

# Legend



Project Area



Township Boundary



Municipality



N

Vasa Twp.

Featherstone Twp.

Belle  
Creek  
Twp.

Goodhue Twp.

352 St.

Wheat Tr

County Rd 47

350th St.

County Hwy 6

360th St.

370th St.

177th Ave

County Hwy 9

Goodhue

390th St.

MINNESOTA  
58

400th St.

52

410th St.

County Rd 50

135th Ave

420th St.

Minneola Twp.

Zumbrota Twp.

Wanamingo

MINNESOTA  
60

Zumbrota



**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**LARGE WIND ENERGY CONVERSION SYSTEM**

**SITE PERMIT**

**FOR THE**

**GOODHUE WIND PROJECT**

**IN**

**GOODHUE COUNTY**

**ISSUED TO**

**AWA GOODHUE WIND, LLC**

**DOCKET NO. IP-6701/WS-08-1233**

In accordance with Minnesota Statutes Section 216F.04, this Site Permit is hereby issued to:

AWA Goodhue Wind, LLC

The Permittee is authorized to construct and operate up to a 78 Megawatt Large Wind Energy Conversion System on the site identified in this Site Permit and in compliance with the conditions contained in this Permit.

This Permit shall expire on \_\_\_\_\_.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_  
BY ORDER OF THE COMMISSION

\_\_\_\_\_  
BURL W. HAAR  
Executive Secretary

(S E A L)

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## **I. SITE PERMIT**

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes AWA Goodhue Wind, LLC, (Permittee) to construct the Goodhue Wind Project, a 78 Megawatt (MW) nameplate capacity LWECS and associated facilities in Goodhue County, on a site of approximately 12,000 acres in accordance with the conditions contained in this Permit. The project boundary is shown on the map that is attached hereto as Attachment 1.

## **II. PROJECT DESCRIPTION**

The up to 78 MW nameplate capacity LWECS authorized to be constructed in this Permit (Goodhue Wind Project) will be developed and constructed by the Permittee. The Project will consist of up to 52 General Electric 1.5 MW wind turbine generators mounted on 262.5 foot (80 meter) towers having a combined nominal nameplate capacity of approximately 78 MW. The rotor diameter is 271 feet (82.5 meters). Associated facilities will include wind turbine access roads, underground collection lines, SCADA wiring, feeder lines, pad mounted turbine transformers, and meteorological towers. Turbines are interconnected by communication and underground electrical power collection facilities within the wind farm that will deliver wind-generated power to two collector substations. From the collector substations power will be delivered to the existing Goodhue and Vasa substations which are the Points of Interconnection located just north and east of the project area.

## **III. CONDITIONS**

The following conditions shall apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other phases of the LWECS. The Commission preserves all available remedies for violation of any of these Permit conditions, including revocation or modification of the Permit.

### **A. GENERAL CONSTRUCTION CONDITIONS**

#### **1. SITE PLAN**

Prior to commencing construction, the Permittee shall submit to the Commission a site plan for all turbines, roads, electrical equipment, collector and feeder lines and other associated facilities to be constructed and engineering drawings for site preparation, construction of the facilities, and a plan for restoration of the site due to construction. The Permittee shall document compliance with the setbacks and site layout restrictions required by the permit. The Permittee may submit a site plan and engineering drawings for only a portion of the LWECS if the Permittee is prepared to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the LWECS. In the event that previously unidentified environmental conditions are discovered during construction which by law or pursuant to conditions outlined in this Permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine sites. The Permittee shall notify the

Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by the permit.

## 2. FIELD REPRESENTATIVE

Prior to the start of construction and continuously throughout construction and site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit. This person (or a designee) shall be accessible by telephone during normal business hours. This person's address, phone number and emergency phone number shall be provided to the Commission, who may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission.

## 3. PRECONSTRUCTION MEETING

Prior to the start of any construction, the Permittee shall conduct a preconstruction meeting with the person designated by the Commission to coordinate field monitoring of construction activities.

## 4. NOTICE OF PERMIT CONDITIONS

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this Permit.

# **B. MITIGATION MEASURES**

## 1. SITE CLEARANCE

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the LWECS.

## 2. TOPSOIL PROTECTION

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.

## 3. SOIL COMPACTION

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as practicable.

## 4. LIVESTOCK PROTECTION

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

## 5. FENCES

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

## 6. DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner.

## 7. EQUIPMENT STORAGE

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with landowner. Temporary staging areas shall not be located in wetlands or native prairie.

## 8. ROADS

### (a) Public Roads

Prior to commencement of construction, the Permittee shall identify all state, county or township roads that will be used for the LWECS Project and shall notify the Commission and the state, county or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the LWECS. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over roads to be used for construction of the LWECS for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and LWECS components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

### (b) Turbine Access Roads

The Permittee shall construct the smallest number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the Minnesota Department of Natural Resources (DNR), United States Fish and Wildlife Services (USFWS), and/or United States Army Corps of Engineers (USACOE). When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper

portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall also be constructed in accordance with all necessary township, county or state road requirements and permits.

#### (c) Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

### 9. SOIL EROSION AND SEDIMENT CONTROL

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the Minnesota Pollution Control Agency (MPCA) as part of the National Pollutant Discharge Elimination System (NPDES) permit application. A goal of the Soil Erosion and Sediment Control Plan is to minimize soil erosion, to revegetate non-cropland and range areas disturbed by construction with wildlife conservation species, and, wherever possible, to plant appropriate native species in cooperation with landowners.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary Project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be installed prior to construction and maintained throughout the Project's life.

### 10. CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

### 11. TREE REMOVAL

The Permittee shall minimize the removal of trees and the Permittee shall not remove groves of trees or shelter belts without notification to the Commission and the approval of the affected landowner.

## 12. RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner, restore the area affected by any LWECS activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve months after completion of construction of the turbine, unless otherwise negotiated with the landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the LWECS.

## 13. HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean-up and disposal of hazardous wastes generated during any phase of the Project's life.

## 14. APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage crops, orchards, tree farms, or gardens. The Permittee shall also, at least ten days prior to the application, notify beekeepers with an active apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

## 15. PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the Project and any restrictions or dangers associated with the LWECS Project. The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all "underground facilities," as defined in Minnesota Statute 216D.01, Subdivision 11, to Gopher State One Call.

## 16. EMERGENCY RESPONSE

The Permittee shall prepare a emergency response plan (fire protection and medical emergency plan) in consultation with the emergency responders having jurisdiction over the area prior to LWECS construction. The Permittee shall submit a copy of the plan to the Commission upon request. The Permittee shall also register the LWECS with the local governments' emergency 911 services.

## 17. TOWER IDENTIFICATION

All turbine towers shall be marked with a visible identification number.

## C. SETBACKS

### 1. WIND ACCESS BUFFER

Wind turbine towers shall not be placed less than 5 rotor diameters (RD) on the prevailing wind directions and 3 RD on the non-prevailing wind directions from the perimeter of the lands where the Permittee does not hold the wind rights, without the approval of the Commission.

### 2. RESIDENCES

Wind turbine towers shall not be located closer than 1,000 feet from the residences of **participating** landowners unless a waiver has been signed by the property owners, or the distance required to comply with the noise standards established by the MPCA at paragraph II.E.3, whichever is greater.

Wind turbine towers shall not be located closer than 1,500 feet from the residences of **non-participating** landowners unless a waiver has been signed by the property owners, or the distance required to comply with the noise standards established by the MPCA at paragraph II.E.3, whichever is greater.

### 3. ROADS

Wind turbine and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

### 4. PUBLIC LANDS

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in Waterfowl Production Areas, State Wildlife Management Areas or Scientific and Natural Areas or in county parks and shall also comply with the setbacks of III.C.1.

### 5. WETLANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statutes section 103G.005, subd. 15a. However, electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to DNR, United States Fish and Wildlife Service (USFWS) and/or United States Army Corps of Engineers (USACE) permits and approvals.

### 6. NATIVE PRAIRIE

Upon request of the Commission, the Permittee shall, with the advice of the DNR, Commission and any others selected by the Permittee, prepare a prairie protection and management plan and submit it to the Commission and DNR Commissioner 30 days prior to the pre-construction meeting. The plan shall address steps to be taken to identify native prairie within the Project area, measures to avoid impacts to native prairie, and measures to mitigate for impacts if

unavoidable. Wind turbines and all associated facilities, including foundations, access roads, underground cable and transformers, shall not be placed in native prairie unless addressed in the prairie protection and management plan. Unavoidable impacts to native prairie shall be mitigated by restoration or management of other native prairie areas that are in degraded condition, or by conveyance of conservation easements, or by other means agreed to by the Permittee and Commission.

## 7. SAND AND GRAVEL OPERATIONS

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner with notice given to the owner of the sand and gravel operation.

### D. PRECONSTRUCTION SURVEYS

#### 1. BIOLOGICAL INVENTORY/SURVEY

The Permittee, in consultation with DNR and Commission, shall conduct a pre-construction desktop and field inventory of existing, if any, wetlands, grasslands or woodlands habitats.

#### 2. ARCHAEOLOGICAL RESOURCES

The Permittee shall work with the State Historic Preservation Office (SHPO) at the Minnesota Historical Society (MHS) and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes and other areas of project construction impact to determine whether additional archaeological work is necessary for any part of the proposed Project. The Permittee will contract with a qualified archaeologist to complete such surveys, and will submit the results to the Commission, the SHPO and the State Archaeologist.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist. In addition, the Permittee shall mark and preserve any previously unrecorded archaeological sites that are found during construction and shall promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archaeologist.

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit or license is involved or required, the Permittee shall notify the MHS as soon as possible in the planning process to coordinate section 106 (36 C.F.R 800) review. Prior to construction, construction workers shall be trained about the need to avoid

cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the Commission and the MHS about the discovery. The Commission and the MHS shall have three working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the MHS has directed that work shall cease. In such event, work shall not continue until the MHS determines that construction can proceed.

### 3. INTERFERENCE

Prior to beginning construction, the Permittee shall submit a plan to the Commission for conducting an assessment of television signal reception and microwave signal patterns in the Project area prior to commencement of construction of the Project. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television reception or microwave patterns in the event residents should complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed prior to installation of the turbines. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the LWECs and associated facilities so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the LWECs and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

## **E. SITE LAYOUT RESTRICTIONS**

### 1. WIND TURBINE TOWERS

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 80 meters (262.5 feet) above grade measured at the hub.

### 2. METEOROLOGICAL TOWERS

Permanent towers for meteorological equipment shall be free standing. Temporary meteorological towers, which are those that will be removed no more than one year after the Project in-service date, may be guyed if the landowner has given written permission and the guys are properly marked with safety shields.

New temporary and permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on lands the Permittee holds the wind or other development rights. Meteorological towers shall

be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

### 3. NOISE

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this Permit by the Minnesota Pollution Control Agency (MPCA) at all times at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with this condition. The Permittee or its contractor may install and operate turbines, as close as the minimum setback required in this Permit but, in all cases shall comply with PCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

### 4. FEDERAL AVIATION ADMINISTRATION

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

### 5. TURBINE SPACING

The turbine towers shall be constructed within the site boundary as shown in Attachment 1. The turbine towers shall be spaced no closer than 3 RD in the non-prevailing wind directions and 5 RD on the prevailing wind directions. If required during final micro siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

### 6. FOOTPRINT MINIMIZATION

The Permittee shall design and construct the LWECs so as to minimize the amount of land that is impacted by the LWECs. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

### 7. ELECTRICAL CABLES

The Permittee shall place electrical lines, known as collectors, and communication cables underground when located on private property. Collectors and cables shall also be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.

## 8. FEEDER LINES

The Permittee shall place overhead or underground electric lines, known as feeders, within public rights-of-way or on private land immediately adjacent to public rights-of-way if a public right-of-way exists, except as necessary to avoid or minimize human, agricultural, or environmental impacts. A change in feeder line locations may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the Permittee shall place the feeder in accordance with easements negotiated with the affected landowner. In all cases, the Permittee shall avoid routing feeder lines in locations which may interfere with agricultural operations. Notwithstanding any of the requirements in paragraph III.D. to conduct surveys before any construction can commence, the Permittee may begin immediately upon issuance of this permit to construct the feeder lines that will be required as part of this Project. The Permittee shall submit the site plan and engineering drawings required under paragraph III.A.1. for the feeder lines before commencing construction. Any guy wires on the structures for feeder lines shall be marked with safety shields.

The Permittee must fulfill, comply with, and satisfy all Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this Project, including but not limited to IEEE 776, IEEE 519, and IEEE 367, provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the Commission, the Permittee shall report to the Commission on compliance with these standards.

## F. STUDIES

### 1. WAKE LOSS STUDIES

The Permittee shall provide to the Commission with the site plan required by paragraph III.A.1. the preconstruction micro siting analysis leading to the final tower locations and an estimate of total Project wake losses. The Permittee shall provide to the Commission any operational wake loss studies conducted on this Project.

### 2. NOISE

The Permittee shall submit a proposal to the Commission for the conduct of a noise study. Upon the approval of the Commission, the Permittee shall carryout the study. The study shall be designed to determine the noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds.

## G. DECOMMISSIONING/RESTORATION/ABANDONMENT

### 1. DECOMMISSIONING PLAN

Prior to commercial operation, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules part 7854.0500, subp.13. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its

requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

## 2. SITE RESTORATION

Upon expiration of this Permit, or upon earlier termination of operation of the LWECS, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four feet. A LWECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the LWECS to service. To the extent possible the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months after expiration.

## 3. ABANDONED TURBINES

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the LWECS. The Commission may require the Permittee to decommission any abandoned turbine.

## H. REPORTING

### 1. PROJECT ENERGY PRODUCTION

The Permittee shall submit a report no later than February 1st following each complete year of project operation. The report shall include: a) the rated nameplate capacity of the permitted LWECS project; b) the total monthly energy generated by the LWECS in Megawatt Hours; c) the monthly capacity factor; d) yearly energy production and capacity factor; e) the operational status of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and f) any other information reasonably requested by the Commission. This information will be considered public and must be submitted electronically.

### 2. WIND RESOURCE USE

The Permittee shall upon the request of the Commission report to the Commission on the monthly energy production of the Project and the average monthly wind speed collected at one permanent meteorological tower selected by the Commission during the preceding year or partial year of operation.

The provisions of paragraph III.K.5 shall apply to the Commission's review of data provided pursuant to III.H.2.

### 3. EXTRAORDINARY EVENTS

Within 24 hours of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, tower collapse, thrown blade, collector or feeder line failure, injured LWECS worker or private person, kills of migratory, threatened or endangered species, or discovery of a large number dead birds or bats of any variety on site. In the event of avian mortality the DNR shall also be notified within 24 hours. The Permittee shall, within 30 days of the occurrence, submit a report to the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

### 4. COMPLAINTS

Prior to the start of construction, the Permittee shall submit to the Commission the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the Commission all complaints received concerning any part of the LWECS in accordance with the procedures provided in Attachments 2 and 3 of this Permit.

## I. FINAL CONSTRUCTION

### 1. AS-BUILT PLANS AND SPECIFICATIONS

Within 60 days after completion of construction, the Permittee shall submit to the Commission a copy of the as-built plans and specifications. The Permittee must also submit this data in a geographic information system (GIS) compatible format so that the Commission can place it into the Minnesota Geospatial Information Office's (MnGeo) geographic data clearinghouse located in the Department of Administration.

### 2. FINAL BOUNDARIES

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this Project. If done, this Permit may be modified, after notice and opportunity for public hearing, to represent the actual site required by the Permittee to operate the Project authorized by this Permit.

### 3. EXPANSION OF SITE BOUNDARIES

No expansion of the site boundaries described in this Permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the site for the LWECS. The Commission will respond to the requested change in accordance with applicable statutes and rules.

## J. AUTHORITY TO CONSTRUCT LWECS

### 1. WIND RIGHTS

The Permittee shall advise the Commission of the obtaining of exclusive wind rights within the boundaries of the LWECS authorized by this Permit within 30 days of receiving such wind rights. The Permittee shall submit documentation of such exclusive wind rights if requested by the Commission.

## 2. OTHER PERMIT APPLICATIONS

Nothing in this Permit shall be construed to preclude any other person from seeking a site permit to construct a LWECS in any area within the boundaries of the Project covered by this Permit if the Permittee does not hold exclusive wind rights for such areas.

## 3. PREEMPTION OF OTHER LAWS

Pursuant to Minnesota Statute section 216F.07, this Site Permit shall be the only site approval required for the location of this Project, and this Permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments. Nothing in this Permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

## 4. POWER PURCHASE AGREEMENT

This Permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason for not having such power purchase agreement or enforceable mechanism. In such event, the PUC may determine whether this Permit should be amended or revoked. No amendment or revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute section 216F.05 and Minnesota Rule 7836.1300.

## K. MISCELLANEOUS

### 1. PERIODIC REVIEW

The Commission shall initiate a review of this Permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of the Permit. No modification may be made except in accordance with applicable statutes and rules.

### 2. FAILURE TO COMMENCE CONSTRUCTION

If the Permittee has not completed the pre-construction surveys required in paragraph III.D and commenced construction of the LWECS within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as whether this Permit should be amended or revoked. No revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute section 216F.05 and Minnesota Rule 7854.1300.

### 3. MODIFICATION OF CONDITIONS

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.

### 4. REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may take action to suspend or revoke this Permit upon the grounds that:

- (a) A false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) There has been a failure to comply with material conditions of this Permit, or there has been a failure to maintain health and safety standards; or
- (c) There has been a material violation of a provision of an applicable statute, rule or an order of the Commission.

In the event the Commission shall determine that it is appropriate to consider revocation or suspension of this Permit, the Commission shall proceed in accordance with the requirements of Minnesota Statute 216F.05 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having the Permit suspended or revoked.

### 5. PROPRIETARY INFORMATION

Certain information required to be submitted to the Commission under this Permit, including energy production and waste loss data, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law and is not to be made available by the Commission. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

### 6. TRANSFER OF PERMIT

The Permittee may not transfer this Permit without the approval of the Commission. If the Permittee desires to transfer this Permit, the holder shall advise the Commission in writing of such desire. The Permittee shall provide the Commission with such information about the transfer as the Commission requires to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

## 7. OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECs within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

## 8. SITE MANAGER

The Permittee shall designate a site manager who shall be the contact person for the Commission to contact with questions about the LWECs. The Permittee shall provide the Commission with the name, address, and phone numbers of the site manager prior to placing any turbine into operation. This information shall be maintained current by informing the Commission of any changes, as they become effective.

## 9. NOTICE TO LOCAL RESIDENTS

The Permittee shall, within ten working days of receipt of this Permit, send a copy of the Permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. If applicable, the Permittee shall also, within 10 working days of issuance, send a copy of this Permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within 30 days of issuance of this Permit, the Permittee shall send a copy of the Permit to each affected landowner within the site. In no case shall the affected landowner receive the site permit and complaint procedure less than five days prior to the start of construction on their property.

## 10. RIGHT OF ENTRY

The Permittee shall allow representatives of the Commission to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property; and
- (d) To examine and copy any documents pertaining to compliance with the conditions of this Permit.

## 11. MORE STRINGENT RULES

The Commission's issuance of this Site Permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

## 12. PERMIT COMPLIANCE MEETING

Prior to the start of commercial operation, the Permittee shall conduct a permit compliance meeting with the person designated by the Commission to coordinate permit compliance activities.

### L. EXPIRATION DATE

This Permit shall expire on DATE [30 years after final permit issuance].

### M. APPLICATION/PERMIT COMPLIANCE

#### 1. APPLICATION COMPLIANCE

The Permittee shall comply with those practices set forth in its Site Permit Application, dated October 19, 2009, unless this Permit establishes a different requirement in which case this Permit shall prevail.

#### 2. COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the Minnesota Pollution Control Agency (Section 401 Water Quality Certification, SDS Discharge/Construction Storm Water, Site Specific Discharge Approvals); Department of Natural Resources (License to Cross Public Water, State Protected Species Consultation, and Public Water Works); MN State Historic Preservation Office (Section 106 Historic Consultation Act); Minnesota Department of Transportation (Utility Access Permit, Highway Access Permit and Oversize and Overweight Permit).

#### 3. COMPLIANCE WITH COUNTY, CITY OR MUNICIPAL PERMITS

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 or are not preempted by federal or state permits and regulations.

### N. SPECIAL CONDITIONS

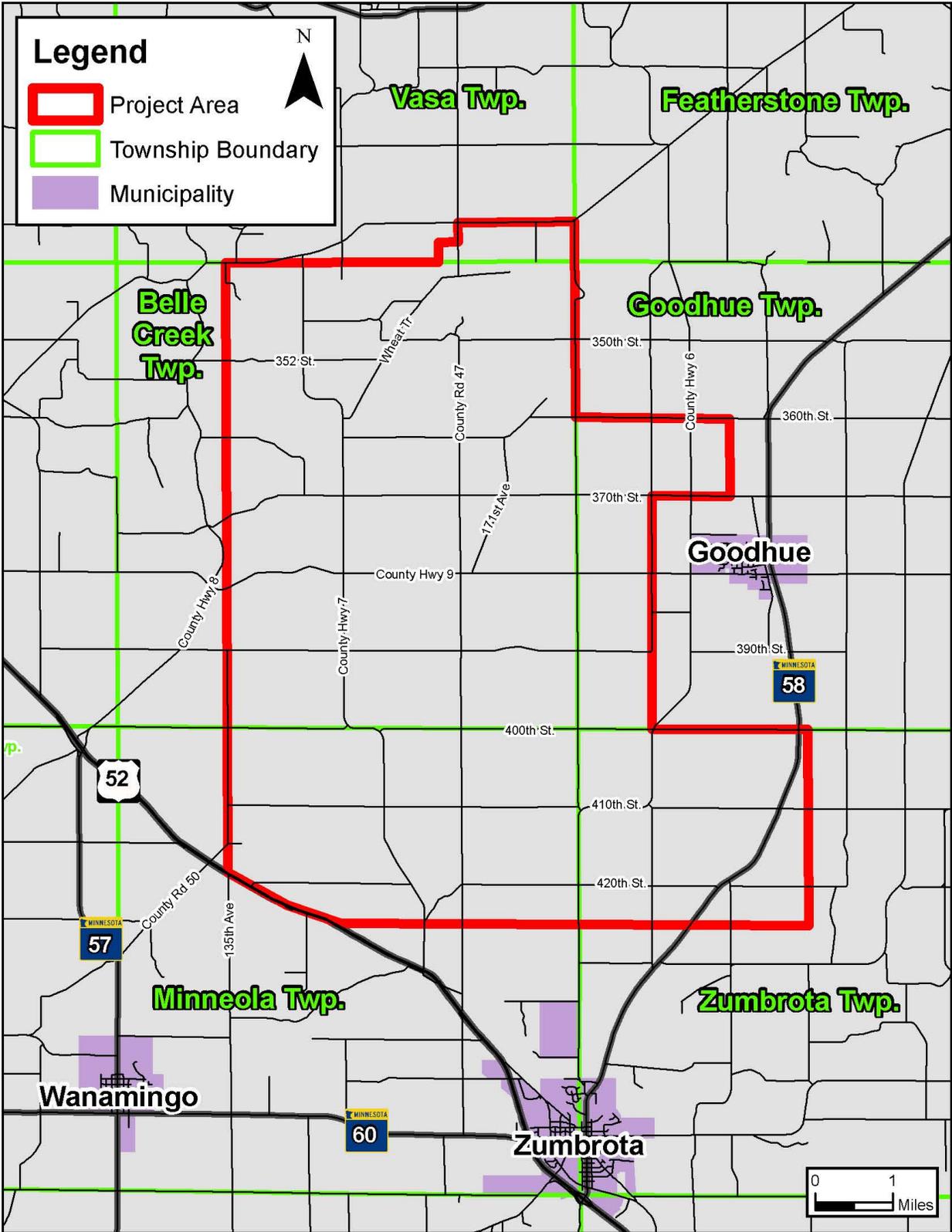
Special conditions shall take precedence over any of the other conditions of this Permit if there should be a conflict between the two.

## 1. SHADOW FLICKER

The applicant shall provide data on shadow flicker impacts at the time it submits the final site plan. Information should include, but not be limited to, the results of modeling used (if any), assumptions made, and the anticipated levels of impact from turbine shadow flicker. Adoption of this special condition is based on facts unique to this case and provides no precedent or prediction regarding the information to be requested on shadow flicker that the Commission may deem appropriate and reasonable to require in future dockets.

Draft

SITE PERMIT MAP



**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES  
FOR  
LARGE WIND ENERGY CONVERSION SYSTEMS**

**A. Purpose:**

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation and resolution of such complaints.

**B. Scope:**

This document describes Complaint reporting procedures and frequency.

**C. Applicability:**

The procedures shall be used for all complaints received by the Permittee.

**D. Definitions:**

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the permittee and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

**E. Complaint Documentation and Processing:**

1. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:

- a. Name of complainant, address, phone number, and e-mail address.
  - b. Precise property description or parcel number.
  - c. Name of Permittee representative receiving Complaint and date of receipt.
  - d. Nature of Complaint and the applicable Site Permit conditions(s).
  - e. Activities undertaken to resolve the Complaint.
  - f. Final disposition of the Complaint.
2. The Permittee shall designate an individual to summarize Complaints for substantial to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
  3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
    - a. Name, address, phone number, and e-mail address.
    - b. Date
    - c. Tract or parcel
    - d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.

**F. Reporting Requirements:**

The Permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to Wind Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), or. Voice messages are acceptable.

**Monthly Reports:** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

**G. Complaints Received by the Commission or OES:**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

**H. Commission Process for Unresolved Complaints:**

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

**I. Permittee Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to one of the addresses below:

AWA Goodhue Wind  
3033 Excelsior Blvd.  
Minneapolis, MN 55416

**Tel:** 612-746-6638

**eMail:**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE  
FOR PERMITTED ENERGY FACILITIES**

**1. Purpose**

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

**2. Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

**3. Definitions**

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

**4. Responsibilities**

- A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. Permittees must register on the website to eFile documents.

- B) All filings must have a cover sheet that includes:

- 1) Date
- 2) Name of submitter / permittee
- 3) Type of Permit (Site or Route)
- 4) Project Location
- 5) Project Docket Number
- 6) Permit Section Under Which the Filing is Made
- 7) Short Description of the Filing

- C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

**PERMITTEE:** AWA Goodhue Wind, LLC  
**PERMIT TYPE:** LWECS Site Permit  
**PROJECT LOCATION:** Jackson County  
**COMMISSION DOCKET NUMBER:** IP-6701/WS-08-1233

<b>Filing Number</b>	<b>Condition</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
<b>1</b>	A.1.	Site Plan	Prior to starting construction	
<b>2</b>	A.2.	Field Representative	Prior to and throughout construction	
<b>3</b>	B.8.	Roads	Identify access roads and obtain road damage agreements before starting construction	
<b>4</b>	B.9.	Soil Erosion and Sediment Control Plan	NDPES Stormwater Runoff Control Permit	
<b>5</b>	B.15	Educational Materials	Submit Upon Request	
<b>6</b>	B.16	Emergency Response	Submit Upon Request. Must Register in 911 Program	
<b>7</b>	C.6.	Native Prairie Protection Plan	60 days prior to the start of construction, if required	
<b>8</b>	D.1.	Biological Survey	Pre-construction Meeting	
<b>9</b>	D.2	Archaeological Resources	Pre-construction Meeting and as Recommended by the State Historic Preservation Office	
<b>10</b>	D.3.	Electromagnetic Interference	Pre-construction Meeting	

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. However, it is not a substitute for the permit; the language of the permit controls.

<b>Filing Number</b>	<b>Condition</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
<b>11</b>	F.1	Wake Loss	Include with site plan or operation studies if performed	
<b>12</b>	F.2	Noise Study	Pre-Construction Meeting	
<b>13</b>	G.1.	Decommissioning Study	Prior to commercial operation	
<b>14</b>	H.1	Project Energy Production	Due 2/1 each year or quarterly	
<b>15</b>	H.2	Wind Resource Use	Within 3 months after Operation or SCADA Access	
<b>16</b>	I.1.	As Builts	Within 60 days of Completions of Construction	
<b>17</b>	J.1.	Wind Rights	Within 30 days of Acquiring. Upon Request.	
<b>18</b>	K.2.	Failure to Start Construction	Within 2 years of Permit Issuance	
<b>19</b>	K.8	Site Manager	Prior to Operation	
<b>20</b>	Complaints	Report	Due Each Month or within 24 hours	
<b>21</b>	C.2	Map and Text	Illustrating Setbacks from Residences and Roads Pre-construction Meeting	
<b>22</b>	F.2	Noise Study Results	Within 18 months of Commercial Operation	
<b>23</b>	N.1	Shadow Flicker	Pre-construction Meeting	
<b>24</b>				