MINNESOTA
DEPARTMENT OF
COMMERCE

In the Matter of the Application by Ellerth Wind LLC, for a Certificate of Need for the 98.9 MW Ellerth Windpark Project in Marshall County

ENVIRONMENTAL REPORT SCOPING DECISION

PUC Docket No. IP-6855/CN-110-112

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 Ellerth Wind LLC Application for a Certificate of Need (CN) for the proposed 98.9 Megawatt (MW) Ellerth Windpark in Marshall County.

A final decision on turbine selection and design has not been made, but the project will consist of turbines with a rated capacity between 1.6 and 2.3 MW in such number and combination as to yield up to 98.9 MW. Facilities associated with the project include pad mounted transformers, an electrical collection system, all weather gravel access roads, an operation and maintenance building, up to three permanent meteorological towers, a supervisory control and data acquisition for monitoring the project, and a project substation.

The Project is located in Marshall County in northwestern Minnesota. Ellerth Wind proposes to locate the Ellerth Windpark (Project) within a Project area or site of approximately 33,709 acres of mostly agricultural land in the townships of Wright (Sections E½ SE¼ 36), West Valley (S1/2 30, 31-35), Foldahl (1, 2, 11-13, 24, 25, 36), Marsh Grove (1-13, 19-23, 26-35), Comstock (1), and Viking (2-6) (see accompanying map). Ellerth Wind currently has agreements with landowners over approximately 18,870 acres of land within the Project Area.

The project requires a Certificate of Need and a Site Permit for the wind farm from the Minnesota Public Utilities Commission (Commission). The CN (CN-11-112) and the site permit (WS-11-608) are being considered by the Commission in separate dockets.

On May 27, 2011, Ellerth Wind LLC filed a certificate of need application with the Commission for the Ellerth Windpark. On August 24, 2011, the Commission issued an order accepting the application as complete and authorizing an informal review process. The proposed project is a large wind energy facility (Minn. Stat. § 216B.2421). As such, the Minnesota Department of Commerce is required to prepare an environmental report for the project (Minn. Rules 7849.1200).

A public meeting was held on November 7, 2011, in Newfolden to receive comments on the scope of the environmental report. Approximately 85 to 100 persons attended the meeting. A

public comment period followed the meeting, closing on November 30, 2011. Four written were received during the comment period.

Concerns that were raised at the public meeting or in written comments were potential impacts to existing road infrastructure, habitat, natural environmental features, native prairie, birds, bats, eagles, holdover areas in the project area used by sandhill cranes during their migration, visual impacts, shadow flicker, noise, property values, local tax implications, impacts on farm land, splitting of agricultural fields, soil erosion, water quality, aviation and aerial crop applications, ice throw, electronic interference and decommissioning.

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 (Minn. Stat. § 216B.1691). These alternatives include: (1) a generic 98.9 MW wind generation project sited elsewhere in Minnesota, (2) a 38.5 MW biomass plant, (3) a "no-build" option and (4) alternative renewable technologies. An ER provides a high level or general environmental analysis of the proposed Project and system alternatives, and reviews environmental impacts associated with named and alternative projects. It is a part of a larger Public Utilities Commission investigation of the Certificate of Need Application. The Commission in its overall review will address all the issues and alternatives required by rule.

Having reviewed the matter, consulted with the Energy Facility Permitting staff, and in accordance with Minnesota Rules 7849.1400 and 7849.1500, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The Environmental Report for the Ellerth Windpark will address and provide information on the following matters:

1.0 Description of the Ellerth Windpark Project

Project Description and Location
Sources of Information

2.0 Regulatory Framework

3.0 Description of Alternatives to be Evaluated

3.1 A Generic 98.9 MW Wind Project
3.2 A 38.5 MW Biomass Plant
3.3 No-build option
3.4 Alternative renewable technologies

4.0 Feasibility and Availability of Alternatives

4.1 Ellerth Windpark Project
4.2 A generic 98.9 MW wind project
4.3 A 38.5 MW biomass plant
4.4 No-build alternative
4.5 Alternative renewable technologies

5.0 Human and Environmental Impacts and Mitigation

5.1 Emissions – pollutants
5.2 Emissions – hazardous air pollutants
5.3 Aesthetic impact and visibility impairment
  5.3.1 Shadow flicker
  5.3.2 Viewshed
  5.3.3 Turbine lighting
5.4 Ozone formation
5.5 Fuel availability
5.6 Associated transmission facilities
5.7 Water appropriations
5.8 Wastewater
5.9 Solid and hazardous wastes
5.10 Noise
5.11 Property values
5.12 Communication signals
5.13 Wildlife and domestic animals
5.14 Natural Environment (topography, flora, fauna)
5.15 Aviation

6.0 Required Permits

ISSUES OUTSIDE OF THE ENVIRONMENTAL REPORT

The Environmental Report will not consider the following matters:

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.

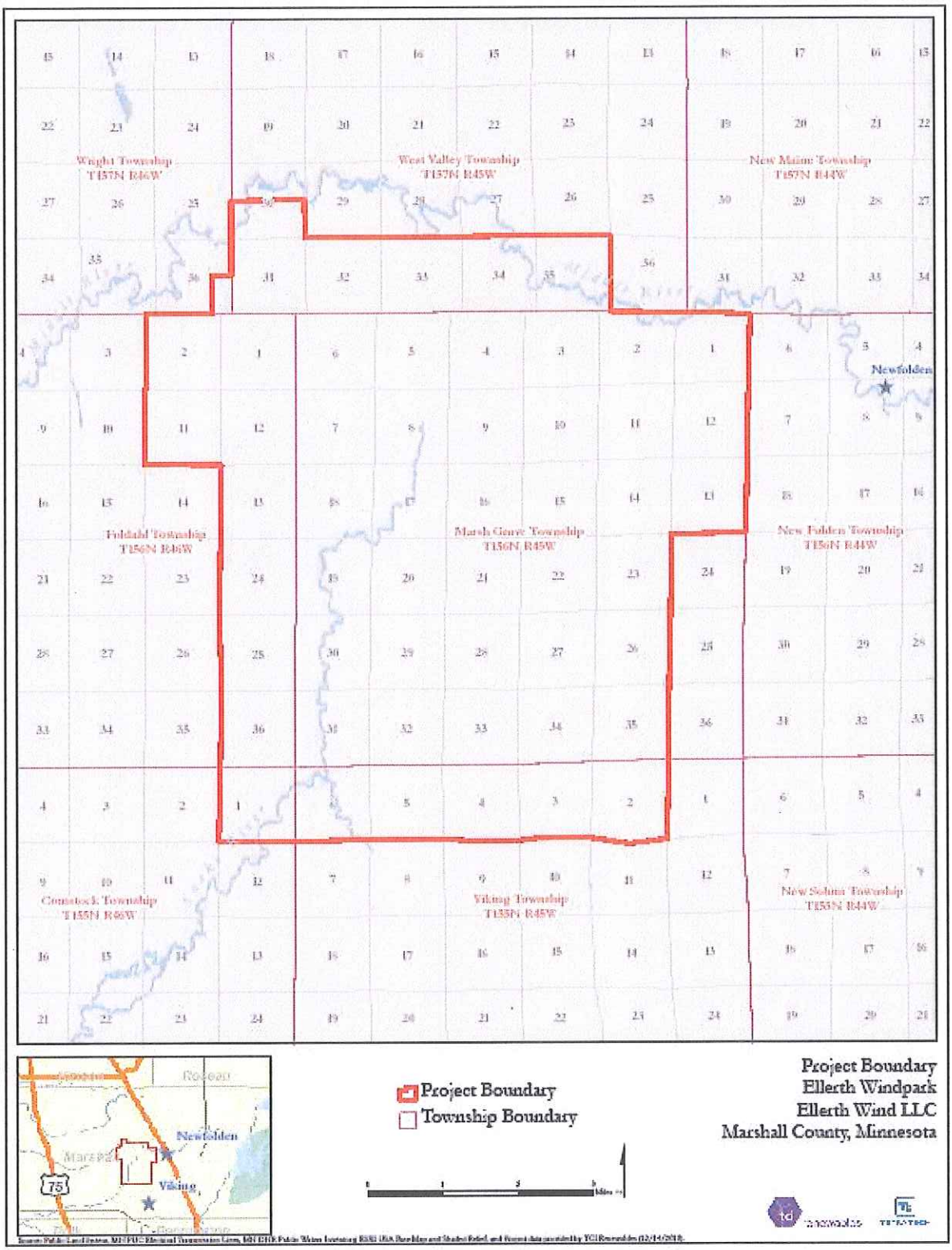
SCHEDULE

The environmental report will be completed in February 2012. A public hearing will be held in the project area before an Administrative Law Judge after the environmental report has been issued and notice served.

Signed this 22 day of December 2011

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

William Grant, Deputy Commissioner
Division of Energy Resources


Wright Township
T157N R46W
West Valley Township
T157N R45W
New Maine Township
T157N R44W
Newfolden
Foldahl Township
T156N R46W
Marsh Grove Township
T156N R45W
New Folden Township
T156N R44W
Comstock Township
T155N R46W
Viking Township
T155N R45W
New Solum Township
T155N R44W
Project Boundary
Township Boundary
Project Boundary
Ellerth Windpark
Ellerth Wind LLC
Marshall County, Minnesota
Newfolden
Viking
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