



**In the Matter of the Application by  
Black Oak Wind, LLC and Getty Wind  
Company, LLC for a Certificate of Need for  
the 82 MW Black Oak/Getty Wind Project  
in Stearns County**

**ENVIRONMENTAL REPORT  
SCOPING DECISION**

**PUC Docket No. IP6853 and  
IP6866/CN-11-471**

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The above matter has come before the Deputy Commissioner of the Department of Commerce (Department) for a decision on the content of the Environmental Report (ER) to be prepared in consideration of the joint application of Black Oak Wind, LLC and Getty Wind Company, LLC for a Certificate of Need (CN) for the proposed 82 Megawatt (MW) Black Oak and Getty Wind Project (Project) in Stearns 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 1.5 and 3.0 MW in such number and combination as to yield up to 82 MW. Facilities associated with the project include gravel access roads, meteorological towers, a Sonic Detection and Ranging (SODAR) unit or Light Detection and Ranging (LIDAR) unit, a project substation, and an electrical collection system. Applicants intend to seek a permit from Stearns County for an operations and maintenance (O&M) facility and a 69 kV transmission line to connect the Project substation with Xcel Energy's Black Oak Switching Station.

The proposed Project is comprised of two adjacent large wind energy conversion system (LWECS) projects located in Stearns County, approximately 2 miles southwest of Sauk Centre. Black Oak Wind, LLC proposes to construct the Black Oak Wind Farm on a site comprised of approximately 7,100 acres of agricultural land in Ashley and Raymond townships. Getty Wind Company, LLC proposes to construct the Getty Wind Project on a site comprised of approximately 7,600 acres of agricultural land in Sauk Centre and Getty townships.

The project requires a CN for the combined project and separate site permits for the Black Oak Wind Farm and the Getty Wind Project from the Minnesota Public Utilities Commission (Commission). The CN (CN-11-471), the site permits (IP-6853/WS-10-1240 and IP-6866/11-831) are being considered by the Commission in separate dockets.

On October 11, 2011, Black Oak Wind, LLC and Getty Wind Company, LLC jointly filed a CN application with the Commission for the Black Oak and Getty Wind Projects. On December 15, 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, it requires the Minnesota Department of Commerce to prepare an environmental report for the project (Minn. Rules 7849.1200).

A public meeting was held on January 26, 2012, in Sauk Centre, Minnesota, to receive comments on the scope of the ER. Approximately 30 persons attended the meeting and three people provided oral comments at the meeting.

A public comment period followed the meeting; nine comments were received before the close of the comment period on February 15, 2012. In addition to statements of support for or opposition to the Project, concerns raised included impacts to birds and other wildlife, avian species and other wildlife, local permitting of certain facilities related to the Project, noise, visual impact and shadow flicker, property values, roads, water contamination. No comments on alternatives to the proposed project were submitted during the comment period.

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 82 MW wind generation project sited elsewhere in Minnesota, (2) a 38.5 MW biomass plant, and (3) a "no-build" option. An ER provides a high level environmental analysis of the proposed Project and system alternatives, and reviews environmental impacts associated with named and alternative projects. It is a part of a larger Commission investigation of the CN application. The Commission in its overall review will address all the issues and alternatives required by rule.

Having reviewed the matter, consulted with the Department of Commerce 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**

### **Black Oak/Getty Wind Project**

#### **1.0 Black Oak and Getty Wind Project Description**

- 1.1. Project description and location
- 1.2. Sources of information

#### **2.0 Alternatives to be Evaluated**

- 2.1 No-build Alternative
- 2.2 A generic 82 MW Wind Project
- 2.3 A 38.5 MW Biomass Plant
- 2.4 Alternative renewable technologies

#### **3.0 Human and Environmental Impacts and Mitigation of Project and Evaluated Alternatives**

- 3.1 Emissions
- 3.2 Hazardous air pollutants and VOCs
- 3.3 Aesthetic Impacts and Visibility impairment
  - Shadow flicker

- Viewshed
- Lighting

- 3.4 Ozone formation
- 3.5 Fuel availability and delivery
- 3.6 Associated transmission facilities
- 3.7 Water appropriations
- 3.8 Wastewater
- 3.9 Solid and hazardous wastes
- 3.10 Noise
- 3.11 Property Values
- 3.12 Communications signals
- 3.13 Wildlife
- 3.14 Natural Environment
- 3.15 Agriculture

#### **4.0 Feasibility and availability of alternatives**

- 4.1 No-build alternative
- 4.2 82 MW wind project
- 4.3 38.5 MW biomass plant
- 4.4 Black Oak and Getty Wind Farm

#### **5.0 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 March, 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 27<sup>th</sup> day of February 2012

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE  
DIVISION OF ENERGY RESOURCES



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William Grant, Deputy Commissioner

