

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55101

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Site Permit Application for a 200 MW Large Wind Energy Conversion System for the Odell Wind Farm in Cottonwood, Jackson, Martin, and Watonwan Counties

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS STAFF
COMMENTS and RECOMMENDATIONS

The Minnesota Department of Commerce (DOC) submits these comments of the Energy Environmental Review and Analysis (EERA) staff on the proposed up to 200 MW Odell Wind Farm. In her Scheduling Order,¹ Administrative Law Judge (ALJ) Barbara L. Neilson noted her expectations from the EERA. In keeping with Item 2 of the Scheduling Order, these comments are submitted by EERA to include in the public record for the Odell Wind Farm Site Permit application process.

I. JACKSON COUNTY WIND ORDINANCE

On February 7, 2014, EERA provided Comments and Recommendations² to the Public Utilities Commission (Commission) regarding the issuance of a Draft Site Permit for the Odell Wind Farm. On page 4 of our Comments and Recommendations EERA stated that Jackson County does not have any ordinances specific to wind power/energy development. At this time EERA would like to provide clarification that Jackson County does have a Windpower Management Ordinance within which they have permit authority for Large Wind Energy Conversation System (LWECS) with a combined nameplate capacity of less than 25 megawatts (MW). The Ordinance further states that the Commission will have permit authority for LWECS with a name plate capacity of 25 MW or greater. The Jackson County Board of Commissioners issued a Resolution (#10-217), which was provided to the Commission on August 25, 2010³. Jackson County Resolution 10-217 provides a list of specific standards that are more stringent than the Commission's Order Establishing General Wind Permit Standards⁴. Odell Wind Farm, LLC (Applicant) provided a list of setbacks in Table 5.1 of the Odell Wind Farm Site Permit

¹ Scheduling Order, ALJ Neilson, March 11, 2014, eDockets no. [20143-97237-01](#)

² EERA Comments and Recommendation, February 7, 2014, eDockets no. [20142-96275-01](#)

³ Jackson County Letter and Resolution to the Commission, August 25, 2010, eDockets No. [20109-54377-01](#)

⁴ Commission Order Establishing General Wind Permit Standards, January 11, 2008, eDockets No. [4897855](#)

Application⁵ (Application). This table reflects the more stringent setbacks identified in Jackson County Resolution 10-217.

Jackson County Resolution 10-217 identifies more stringent setbacks from Road Rights-of-Way (ROW), wetlands of Cowardin Type III, IV, and V, and Protect Waters. The road ROW setback identified by Jackson County is a setback distance equal to the height of structure including the blades with a 250' minimum.

Currently, proposed turbine layout maps in the Application depict the more stringent road ROW setbacks in Jackson County, and the turbine layouts under consideration appear to satisfy the Jackson County road ROW setback. It should be noted that to date the Commission has not implemented road ROW setbacks more stringent than those found in the General Wind Permit Standards, as the Commission's opinion that "maintaining the existing minimum 250 foot turbine setback from the edge of public road rights-of-way continues to be reasonable. The purpose of the setback is to prevent ice from shedding off wind turbines onto public roads."

Wetlands of Cowardin Type III, IV, and V have been identified on the proposed turbine layout maps in the Application, and proposed turbine locations appear to meet the more stringent setback distance, equal to height of structure including blades, as identified in Jackson County Resolution 10-217.

The Odell Wind Farm Project Area includes two Protected Watercourses (North Fork of Elm Creek and Cedar Creek) and it contains one Protected Water Wetland (Unnamed). The Application has acknowledged the Protected Waters setbacks set forth in the Jackson County Development Code, Shoreland Section 610, and at this time the turbine layout maps in the Application do not show any infringement on the Shoreland District.

II. COMMENTS ON DRAFT SITE PERMIT

EERA staff offers the following comments and recommendations on the Odell Wind Farm Draft Site Permit;

⁵ Odell Wind Farm LWECs Site Permit Application, September 26, 2013 eDockets No. [20139-91746-02](#)

Section 6.1 Biological and Natural Resource Inventories

The Draft Site Permit states, “The Permittee, in consultation with the Commission and DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Project site and assess the presence of state- or federally-listed or threatened species.”

EERA recommends the following revision: The Permittee in consultation with the Commission, Department of Commerce – Environmental Review Manager, and DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Project site and assess the presence of state- or federally-listed or threatened species.

Appendix 4 – Permit Compliance Filings

The Notes section for the item 4.7 on Native Prairie Protection Plan should be revised to the following: Develop in consultation with the Commission, Department of Commerce – Environmental Review Manager, and DNR.

The Notes section for the item 6.7 on Avian and Bat Protection Plan should be revised to the following: Develop in consultation with the Commission, Department of Commerce – Environmental Review Manager, and DNR.

EERA staff appreciates the opportunity to submit these comments.

Dated: April 17, 2014

Respectfully submitted,



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