

October 18, 2013

VIA ELECTRONIC FILING

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

Re: Completeness Reply Comments of Odell Wind Farm, LLC
In the Matter of the Application of Odell Wind Farm, LLC for a
Large Wind Energy Conversion System Site Permit
Docket No. IP-6914/WS-13-843

Dear Dr. Haar:

Odell Wind Farm, LLC (“Odell”) submits these reply comments addressing issues raised by the Minnesota Department of Commerce Energy Environmental Review and Analysis staff (“EERA Staff”) in its October 11, 2013 comments and recommendations regarding the completeness of Odell’s site permit application in the above referenced matter. Odell appreciates EERA Staff’s finding that Odell’s application is complete, with the understanding that supplemental information will be provided by Odell to inform the development, review, and acceptance of a draft site permit.¹ Odell, therefore, requests that the Commission find that its application is complete.

These reply comments address:

1. EERA Staff’s request for additional information regarding timing of and responsible consultant for cultural and archaeological resource surveys prior to construction.²
2. EERA Staff’s request for: the submission of Odell’s final Tier 3 wildlife study results; Odell’s consultation with EERA Staff, Minnesota Department of Natural Resources (“MN DNR”), and U.S. Fish and Wildlife Service (“USFWS”) regarding such results;

¹ Comments and Recommendations on Application Completeness of the Department of Commerce Energy Environmental Review and Analysis Staff, Docket No. IP-6914/WS-13-843 (October 11, 2013), at 4.

² *Id.*

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and the development of proposed revisions to Odell's Avian and Bat Protection Plan ("ABPP") and project to reflect those results and consultations.³

I. Cultural and Archaeological Resources

Odell will have a trained cultural resource professional complete a cultural and archaeological resources study, prior to construction, over areas to be disturbed by the Project. It is standard practice in Minnesota for the owners and developers of wind energy projects to conduct cultural and archaeological studies after or near the time a site permit has been issued by the Commission and prior to construction when the project's disturbance areas have been accurately delineated. Such a timeline will provide ample time for the surveys and implementation of necessary mitigation strategies, if any, as outlined in Odell's site permit application.⁴

II. Tier 3 Wildlife Studies

Odell has voluntarily agreed to conduct Tier 3 wildlife studies in order to provide additional information for turbine siting and mitigation purposes. It is important to note that Odell concluded in its Tier 1 and Tier 2 analyses that the project is unlikely to have significant adverse impacts to wildlife. Moreover, the MN DNR indicated that the Odell project was likely to have low impacts to wildlife, provided certain precautions were taken.⁵ According to the USFWS's *Land-Based Wind Energy Guidelines*, a developer may proceed to obtain necessary site permits and to design and construction of the project if the Tier 2 results indicate a low probability of significant adverse impacts to wildlife.⁶ Moreover, according to the MN DNR's *Draft Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota*, post-construction fatality monitoring is voluntary at low-risk sites.⁷⁸ Odell's ABPP and site permit application reflect the determination that the project is likely to be a low risk to wildlife.

Consistent with its coordination efforts, Odell is committed to providing the final results of its 2013 Tier 3 studies to EERA Staff, MN DNR, and USFWS upon completion of final reports

³ *Id.*

⁴ Site Permit Application for a Large Wind Energy Conversion System, Odell Wind Farm, Odell Wind Farm, LLC, September 2013, at 40.

⁵ *Id.* at 64.

⁶ U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines, March 23, 2012, at 18.

⁷ Draft Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota, Minnesota Department of Natural Resources Division of Ecological and Water Resources and Minnesota Department of Commerce Energy Facility Permitting, February 19, 2013 at 38.

⁸ Odell understands that the MN DNR and EERA are revising the February 19, 2013 Draft Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota. If a new draft is released before the Commission issues a site permit to Odell, Odell will revise its ABPP according to the new draft guidance to the best of its ability.

summarizing those studies. As indicated in Odell's site permit application, data collection for its Tier 3 studies will not be completed until November 15, 2013. Odell will analyze the data and provide final reports to EERA Staff, MN DNR and USFWS by December 31, 2013 for additional consultations with those agencies. Odell will continue to update its project layout and ABPP as needed after analyzing the Tier 3 results and considering EERA Staff, MN DNR and USFWS comments on the Tier 3 results.

Odell appreciates EERA's thorough review of its site permit application, and its willingness to establish a schedule for this proceeding.

Sincerely,



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