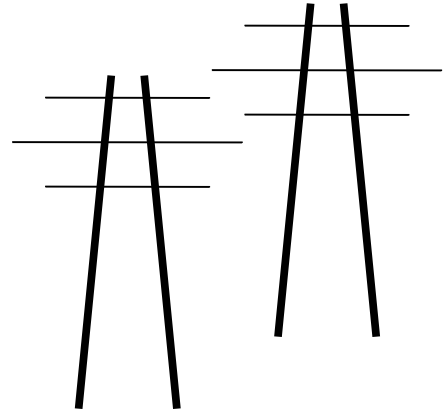


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October 27, 2010

Rice County Planning Commission
c/o Trent McCorkell and Julie Runkel
Rice County Planning & Zoning
320 N.W. 3rd St.
Faribault, MN 55021

RE: Wind Projects on November 4, 2010 Planning Commission Agenda
Spring Creek and Gro Wind, items 6-10 on the 11/4/10 agenda

Dear Mr. McCorkell and Ms. Runkel and members of the Planning Commission:

Please forward this packet to the members of the Planning Commission.

I have been involved in permitting issues regarding several wind projects, including Kenyon Wind, Bent Tree, AWA Goodhue Wind and Greenvale Wind. I also wrote the Commerce grant for the Northfield School District/Carleton wind turbine and drafts of a Certificate of Need application for another project. That means I've looked at this from more than a few angles. I've learned about this project and, as you know, contacted Ms. Pile, MOES regarding its status. Because of my knowledge of these issues, I am forwarding information to you and the Planning Commission regarding state and county siting of wind projects and information regarding the public health impacts of turbines. It is important to take these concerns into account in the permitting process, because once turbines are in place, moving them is no simple task. Initial siting must be done correctly.

Project Size Determination under Minn. Stat. §216F.011

First, it appears that the projects at issue have violated state law regarding siting of wind turbines. Before a project is brought before a county, the state must make a Size Determination to determine jurisdiction over the project:

MINN. STAT. § 216F.011 SIZE DETERMINATION.

(a) The total size of a combination of wind energy conversion systems for the purpose of determining what jurisdiction has siting authority under this chapter must be determined according to this section. The nameplate capacity of one wind energy conversion system must be combined with the nameplate capacity of any other wind energy conversion system that:

- (1) is located within five miles of the wind energy conversion system;
 - (2) is constructed within the same 12-month period as the wind energy conversion system; and
 - (3) exhibits characteristics of being a single development, including, but not limited to, ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.
- (b) The commissioner shall provide forms and assistance for project developers to make a request for a size determination. Upon written request of a project developer, the commissioner of commerce shall provide a written size determination within 30 days of receipt of the request and of any information requested by the commissioner. In the case of a dispute, the chair of the Public Utilities Commission shall make the final size determination.
- (c) An application to a county for a permit under this chapter for a wind energy conversion system is not complete without a size determination made under this section.

Project proponents have not complied with the statute. I have received an email from Deb Pile, Energy Facilities Permitting, Minnesota Office of Energy Security, Dept. of Commerce, stating that this Size Determination has not been completed, and it appears it has not been requested either as she was not aware of these applications. Exhibit A, email from Deb Pile. The county should not accept an application without this Size Determination.

A state "Size Determination" will likely conclude that these projects, ALL of these projects, are connected and should be considered as one. If it is found to be over 5MW, the jurisdiction rests with the state, not the county. By the statements in the Agenda description, the Gro Wind projects are 6MW. Each of the Gro Wind, LLC applications is a virtual cut and past of the other. Anna Schmalzbauer and Leone Medin are daughter and mother who proposed a similar project in Dakota County (MOES EFP Docket: IP 6819, 6820/WS-09-722), which was withdrawn after vigorous objections to that project. Exhibit B, Letter of Withdrawal, August 31, 2010. The Power Purchase Agreements have not been included in the packet, redacted or not, interconnection agreements and financing arrangements have not been disclosed, and because the projects are promoted by the same parties that promoted the Dakota County project, four of five are proposed by the same Gro Wind, LLC, and the similarity of the applications, there is a high probability that the Spring Creek and Gro Wind projects all are connected.

A state Size Determination must accompany a project application. The application provided by Spring Creek, LLC and Gro Wind, LLC are not complete and should be removed from the agenda and not rescheduled until this statutory requirement has been met.

Election of County Jurisdiction under Minn. Stat. §216F.012

If a Size Determination under Minn. Stat. §216F.11 reveals a project size of over 5MW, the project proponent may, at its election, go to a county for permitting if it is within the 5-20MW range. This project falls within this range, making county permitting an option. However, the project proponents again did not comply with the applicable statute:

216F.012 SIZE ELECTION.

(a) A wind energy conversion system of less than 25 megawatts of nameplate capacity as determined under section [216F.011](#) is a small wind energy conversion system if, by July 1, 2009, the owner so elects in writing and submits a completed application for zoning approval and the written election to the county or counties in which the project is proposed to be located. The owner must notify the Public Utilities Commission of the election at the time the owner submits the election to the county.

(b) Notwithstanding paragraph (a), a wind energy conversion system with a nameplate capacity exceeding five megawatts that is proposed to be located wholly or partially within a wind access buffer adjacent to state lands that are part of the outdoor recreation system, as enumerated in section [86A.05](#), is a large wind energy conversion system. The Department of Natural Resources shall negotiate in good faith with a system owner regarding siting and may support the system owner in seeking a variance from the system setback requirements if it determines that a variance is in the public interest.

(c) The Public Utilities Commission shall issue an annual report to the chairs and ranking minority members of the house of representatives and senate committees with primary jurisdiction over energy policy and natural resource policy regarding any variances applied for and not granted for systems subject to paragraph (b).

The project proponents have not notified the PUC as required. A Size Election notice to the state must accompany a project application. The application provided by Spring Creek, LLC and Gro Wind, LLC are not complete and should be removed from the agenda and not rescheduled until this statutory requirement has been met.

County Wind Ordinances with stricter standards than the state

The Rice County Ordinance regarding wind projects does not address many issues related to siting, construction and operation of wind projects. Based on information from PUC wind turbine dockets and permitting in other jurisdictions since Rice County implemented its Wind Ordinance, it is time to take another look at impacts of wind projects and siting standards within the county.

Wind project siting is often contested by non-participating neighbors due to the anticipated impacts of turbines on nearby residents. As is frequently found, this project sites turbines on land of non-resident owners, and/or places them inappropriately near neighbors when other choices are available.

In Minnesota, several counties have enacted wind ordinances over projects within their jurisdiction with siting standards more stringent than state standards. These ordinances were enacted to protect the health, safety and property interested of residents, and have the specific intent that these standards, under Minn. Stat. §216F.081, be applied to state permitted projects. At this moment, Wabasha County is nearing the end of their ordinance change process. Exhibit C, DRAFT Ordinance, Wabasha County. Earlier this month, Goodhue County passed an Ordinance which notably requires a 10 rotor diameter setback and stray voltage testing before and after a project is built. Exhibit D, Goodhue County Wind Ordinance. Other counties have addressed wind siting in ordinances as well. The Public Utilities Commission has mandated setbacks beyond those set by statute, ranging from 1,000 feet to one-half mile for non-

participating landowners. Rick James, INCE, has recommended a noise specific ordinance to protect health and safety of nearby residents. Exhibit E, Ordinance Recommended by Rick James.

In addition to the wind projects listed on the agenda for the November 4, 2010 meeting, Rice County is proposed as the location of several very large wind projects. Exhibit F, MISO Queue of wind projects in Rice County as of October 25, 2010.

Prior to these projects' applications, it would behoove Rice County to address issues regarding siting, construction and operation of wind projects in an Ordinance that would be applicable not only to projects under 5MW over which County has jurisdiction, and projects under 20MW over which County may have jurisdiction at proponent's election, but also to larger projects, as required by Minn. Stat. §216F.081.

County and Township Roads will be damaged – mitigation and repair must be addressed

The application of Gro Wind states that there will be no “burden on any existing public institutions, facilities or streets,” – this is not credible. Because wind turbines are so heavy and require transport by heavy haul trucks designed for long loads, there has been significant road damage during construction of wind projects, particularly damage to township roads. In a standard site permit, the state addresses this reality through a requirement of agreements with the affected local units of government:

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 PUC 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 PUC of such arrangements upon request of the PUC.

DRAFT Site Permit, Greenvale Wind Project, p. 3¹ (project withdrawn),(emphasis added).

Because of the high probability of road damage, the Goodhue County Ordinance, for example, has specific requirements:

Subd. 10. Avoidance and mitigation of damages to Public Infrastructure:

¹ Greenvale DRAFT Site Permit available online: http://www.energyfacilities.puc.state.mn.us/documents/24613/09-722_PUC_Dpermitissue_7-18-09.pdf

A. All public roads to be used for the purpose of transporting WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the WECS shall obtain applicable weight and size permits from the impacted road authorities prior to construction.

B. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.

C. Contact Goodhue County Dispatch prior to any road closures for the re-routing of emergency vehicles. Notify and consult with affected property owners to ensure reasonable access.

D. Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.

E. The applicant shall retain a Minnesota Licensed Engineer approved by the County Engineer to analyze bridges along the haul routes to determine if the bridges have the capacity to support the oversized vehicles. The applicant shall provide a signed report by the registered engineer to the road authority to the use of the bridges identified on the haul routes.

F. The applicant shall provide financial assurance in the form of a cash escrow or irrevocable letter of credit in an amount equal to 125% of the cost(s) to repair anticipated damages to public infrastructure including public roads and drainage systems as determined by the road authority, to be held by the County until the Township and/or County road authority have provided the County Public Works Director and the County Finance Director with a written release that all haul routes within their jurisdiction in Goodhue County have been returned to pre-construction condition by the Applicant/Developer. As an alternative for paved roads the road authorities may agree to accept a payment as reimbursement for the road life consumed by the project.

G. The developer will be responsible to maintain the haul roads during construction to insure they can be used by the travelling (sic) public.

H. The road authority will repair the roads if the Applicant/Developer is not responsive and invoice Applicant/Developer.

Exhibit D, Goodhue County Wind Ordinance.

Rice County must address the costly issues of road damage and carefully assign responsibility for these costs.

State of Minnesota Has Recognized Public Health Impacts of Wind Turbines

Public health impacts of wind turbines has become a high profile issue across the country. Based upon a report issued by the Minnesota Department of Health, the Minnesota Public Utilities Commission has opened a docket on the matter to address whether setbacks for wind projects are sufficient to protect the public. The PUC has heard much testimony and received

many public comments regarding public health impacts of wind turbines. Exhibit G, MDoH Report: Public Health Impacts of Wind Turbines. This remains an open docket.

The Dept. of Health report notes that “[l]ow frequency noise from a wind turbine is generally not easily perceived beyond ½ mile.” Exhibit G, MDoH Report: Public Health Impacts of Wind Turbines, p. 25. This is reinforced by Spring Creek’s application, which notes that siting with “sufficient distance” is the essence of compliance with state noise regulations (p. 14).

The Dept. of Health’s recommendations are:

To assure informed decisions:

- *Wind turbine noise estimates should include cumulative impacts (40-50 dB(A) isopleths) of all wind turbines.*
- *Isopleths for dB(C) - dB(A) greater than 10 dB should also be determined to evaluate the low frequency noise component.*
- *Potential impacts from shadow flicker and turbine visibility should be evaluated.*

Any noise criteria beyond current state standards used for placement of wind turbines should reflect priorities and attitudes of the community.

Exhibit G, MDoH Report: Public Health Impacts of Wind Turbines, p. 25

Much information has been collected -- public comment periods have resulted in extensive comment². The PUC will address this at some future date.

Expert Testimony provided by Rick James, INCE, in the AWA Goodhue Wind project docket, explains the concerns related to noise, particularly in low frequency noise that is below the state’s MPCA standards (Minn. R. 7030.0040). Exhibit H, Testimony of Rick James, INCE³ (exhibits referred to in Testimony available at PUC site, see footnote). Exhibit I, Additional Testimony of Rick James.

The applications presented by Spring Creek, LLC and Gro Wind, LLC do not provide this information. The county has not evaluated noise, shadow flicker and visibility, and cumulative impacts, and likely does not have staff trained to review modeling or make these evaluations.

Power Purchase Agreements have not been disclosed

Power Purchase Agreements must be approved by the Public Utilities Commission. The Greenvale Wind Project, previously promoted by applicants, had an unusual arrangement of a year-to-year Power Purchase Agreement with Great River Energy. The Spring Creek

² PUC’s Public Health Impacts of Wind Turbines, Docket 09-845. To access the docket, go to www.puc.state.mn.us and then click on the blue “Search eDockets” button and search for docket 09-845.

³ The testimony of Rick James, INCE, and the exhibits from that testimony, are available online in the AWA Goodhue Wind project docket at the PUC. To access the docket, go to www.puc.state.mn.us and then click on the blue “Search eDockets” button and search for docket 08-1233, and scroll to his Testimony and Exhibits filed on July 19, 2010, and Additional Testimony filed August 6, 2010.

application to the county states only that “The electricity generated by the Project will be used by NSP customers in the local Northfield area.” This does not address what party has contracted to purchase the electricity, and it is not addressed elsewhere in the application. The Gro Wind applications do not address Power Purchase Agreements.

Power Purchase Agreements are important, because if the electricity is not sold to some party, industrial scale turbines cannot be interconnected and will not be operational.

FAA reports should be included in the application

The FAA must be consulted for all wind projects, and it makes a determine whether each of the proposed turbines at the proposed locations would present an aviation hazard. This FAA determination should be included with the application. The Lakeville Airport and Sky Harbor near Webster should be well-known to the applicants. Airport information is available online and there are airports in Rice County, and emergency operations that could be affected by these turbines. Exhibit K, FAA listing of registered airports in Rice County.

The Spring Creek and Gro Wind applications state that FAA and FCC searches and approvals were done or are pending, but there is no documentation of that provided.

Historic sites

Applications state that there are no records or evidence of historic sites, but there is no letter from the Minnesota Historical Society to document this statement. Further, the applications note that “the land has been farmed for over 100 years.” That statement begs the question of Century Farms in the area. This should be documented in the application.

Projects using V-1000 turbines should be regarded as “Demonstration” projects

Gro Wind projects propose use of Nordic Windpower N1000 turbines. These turbines are rarely used, and promotional information states that “[t]here are currently four Nordic 1000 turbines in operation in Gotland and Halland, Sweden, the oldest with 13 years of operating history.” Exhibit J, Nordic Windpower – History⁴. “Four Nordic 1000 turbines” do not provide a basis for assumptions of reliability, output or safety.

The Gro Wind applications state that “[t]he turbine is DNV Design to IEC Class IIIa.” The Nordic Windpower promotional page states that it is in the process of being certified:

The N1000 turbine is in the process of receiving a type certification to the IEC IIIb (International Electrotechnical Commission) WT 01 (“System for Conformity Testing and Certification of Wind Turbines – Rules and procedures,” 2000) specification from DNV Certification, a division of Det Norske Veritas. The certification covers the wind turbine, including the tower and the proposed type of connection between tower and foundation. It also covers the requirements governing the foundation, insofar as they arise from the wind turbine design and may include one or more foundation designs.

⁴ Online at: <http://www.nordicwindpower.com/history.html>

Which is correct?

A project using these turbines should be regarded as a demonstration project.

DNR Comments reflecting consultation must be included with the application

The applications are all deficient in that there is no letter from the DNR regarding potential impacts to land and wildlife under DNR jurisdiction. The applicants do not adequately address visual impacts and environmental impacts. There is no wetlands delineation in any of the applications. The “Lakeville Aviation” site would require cutting of acres of woods in the Big Woods area, altering the viewshed and character of the area and eliminating its value as habitat.

Decommissioning costs are not addressed

Although the applications have a section labeled “Decommissioning” there is no provision for a decommissioning fund, either bond or cash payment, and there is no assignment of decommissioning costs. The Gro Wind application states that “An escrow will be established, as per the lease, which will cover the costs of decommissioning at the end of operation.” No copy of the lease is provided to review the terms of this escrow for reasonableness or adequacy.

The point of organizing as an LLC, a “Limited Liability Company,” is to limit the liability of the entity. It can disappear overnight, leaving these decommissioning expenses to an unprepared and uncompensated landowner or local government. Without a long-term Power Purchase Agreement, the existence of the project, and the entity is uncertain. Without provision of the lease, decommission responsibility is not clear.

Transmission interconnection study is not provided

Transmission interconnection studies and agreements are one criteria used by the state to determine size of the project and whether projects are connected. We have no transmission interconnection studies and agreements to review.

The Spring Creek application states that “NSP has conducted a study of the proposed interconnection. NSP will upgrade some existing lines to receive the power generated by the project, but no new lines, substations or other facilities are required.” No documentation is provided. The transmission interconnection study should be provided in the application.

The Gro Wind applications do not address transmission interconnection studies or costs. The transmission interconnection study should be provided in the application.

COUNTY CONDITIONAL USE CRITERIA

In summary, the projects are not appropriate for a conditional use permit in Rice County under the criteria in the Conditional Use Ordinance. The applications cite the Conditional Use criteria and make conclusory statements, but they provide no support for their statements.

a. Burden on public facilities: The project will have a significant impact on the roads of Rice County and the Townships in which they are site and thorough which construction and delivery trucks must navigate. Costs for repair have not been assigned, and no bond or cash deposit has been required. See Exhibit D, Goodhue County Wind Ordinance, re: Roads.

There is no basis for a finding that the facility will not place a burden on public facilities. Instead there is basis for finding that it will place burden on public facilities, and the extent of that burden has not been calculated.

c. Compatible with surrounding uses: The project is not compatible with surrounding uses and will have a significant impact on those surrounding it.

- For example, the Spring Creek, LLC application is within the Urban Reserve! That is not compatible with industrial wind generation.
- All the other sites are sited in Agricultural zones, for which wind is a “conditional” use, not a presumed compatible use.
- The site specified for the “Lakeville Aviation” Gro Wind project is directly adjacent to residences, and from the maps would be sited in wooded areas on either side of a field, where many acres trees would be cut, to provide access to the site and eliminate wind turbulence near the turbine. This would present significant visual, environmental and drainage impacts.
- The “Lakeville Aviation” site is wooded, and is part of continuous wooded area that runs a considerable length, and cutting acres of trees for a turbine site would result in forest fragmentation, destruction of habitat, disruption of natural flow of wildlife and have a significant impact on wildlife and hunters in the area.
- The turbines at the “Lakeville Aviation” site would be admittedly just 762 feet from the nearest adjacent residence, with an unobstructed view from the front door of the home.
- Gro Wind states that “the roads themselves are farmed.” How absurd!
- Gro Wind presumes that residences will not be impacted by noise or flicker but does not provide modeling to demonstrate anticipated noise levels at various distances to support its claims.
- Use of road Rights of Way must comply with county and/or MnDOT Policies of Utility Accommodation. It is not safe to presume that the projects can utilize road right of way for transmission, particularly Highway 246.
- Minn. Stat. §17.80, specifically mandates “minimizing the use of agricultural land for energy production facilities.”

There is no basis for a finding that these projects are compatible with surrounding uses, and instead, there is a basis for a finding that there will be a significant impact on those surrounding the project and the land uses proscribed in the area.

d. Appearance. Both Spring Creek and Gro Wind make conclusory statements that there will be no impact, yet, for example, the Spring Creek application notes that it is “located on property elevated above adjacent properties.” Siting above adjacent properties means that it would be even more visible due to that positioning. Gro Wind states it will be sited on open land, obviously very visible. There will be a significant number of trees cut, for example, the

proposed sites at the “Lakeville Aviation” site are a wooded ridge and many acres of trees would be cut, a significant impact on appearance of the project.

There is no basis for a finding that the project will not have an impact on appearance.

e. Relationship with County Needs and Local Uses. Both projects are for industrial sized turbines. Demand for electricity has decreased significantly since 2006, and, for example, Xcel states in its most current Integrated Resource Plan that it has already satisfied its Renewable Energy mandate. Applicants have not disclosed the Power Purchase Agreements, and it is not known what utility will be purchasing the power.

The Spring Creek project is sited in “Urban Reserve” and is contrary to county land use and local uses. Northfield recently denied permitting of a single wind turbine within its boundaries. There is no letter from the City of Northfield supporting this use in the Urban Reserve district. This use is not consistent with “Urban Reserve” zoning.

The Gro Wind projects are industrial turbines sited in an agricultural zone, one which includes residences purposefully limited in density by the County to preserve the agricultural character and purpose. This use is not consistent with “Agricultural” zoning.

There is no basis for a finding that the project is compatible with county needs and local uses.

f. Consistency with Zoning District Purposes.

As above, the zoning district purposes do not include wind. Wind turbines are a “Conditional Use,” not an allowed use.

The Spring Creek project is sited in “Urban Reserve” and is contrary to county land use and local uses. Northfield recently denied permitting of a single wind turbine within its boundaries. This use is not consistent or compatible with “Urban Reserve” zoning.

The Gro Wind projects are industrial turbines sited in an agricultural zone, one which includes residences purposefully limited in density by the County to preserve the agricultural character and purpose. This use is not consistent or compatible with “Agricultural” zoning.

There is no basis for a finding that the project is compatible with zoning district purposes.

g. Conformance with Comprehensive Plan. As Gro Wind notes, “the Rice County Comprehensive Plan seeks to protect and promote agriculture by preserving large tracts of land.”

There is nothing in the application to support a finding that approval of these applications would protect and promote agriculture by preserving large tracts of land in conformance with the Comprehensive Plan. Approval of the Spring Creek project in “Urban Reserve” land would be contrary to the Comprehensive Plan.

h. Traffic. Construction traffic of at least 4 trips in and 4 trips out for each turbine (per Nordic Windpower), movement of the cranes, deliveries of materials and fill, foundation excavation

equipment and cement trucks, other construction equipment, tree cutting and tree and dirt removal equipment, and many workers over state, county and gravel roads requiring heavy-haul permitting and likely modifications at every corner to accommodate the length of the trailers required is going to have an impact on the state, county and township roads in the area.

There is no basis for a finding that the project would not have a significant negative impact on traffic in the area.

i. Effect on Existing Businesses. The existing businesses in the area are farms. There is nothing in the applications regarding impacts of this project on farms. Areas of potential impacts are stray voltage, as addressed in the Goodhue County Wind Ordinance, and impacts of electric and magnetic fields. There is no guarantee by the applicants that any impacts will be mitigated and that any problems resulting will be corrected at the applicant's expense and that area farmers will be compensated for any losses due to impacts of the project on their farms, their livestock, their health, and their livelihood.

There is no basis for a finding that there will be no effect on existing businesses.

j. No Soil Erosion. There is no specific documentation of the amount of land changed from agricultural use to road or turbine site use. There is no specific documentation of number of acres of trees to be clear cut to provide a site for the turbine and eliminate tree-caused turbulence, and no connected calculation of impacts on runoff from loss of trees and resulting erosion.

There is no basis for a finding that the project will not result in soil erosion.

k. Visual Impact. Please note that the Spring Creek puts it as "Limited Visual Impact." That is not the criteria, it is "Visual Impact," not "Limited Visual Impact." See above – the project is planned to be built on forested sites that will be clear cut for access and elimination of turbulence that would harm turbines, or sited high above surrounding land, with resulting significant visual impact.

There is no basis for a finding that the project will have no visual impact.

m. Other. 4. Noise The Gro Wind applications state that "In previous wind studies using the Nordic turbine, the noise level at 500 feet measured 49.5 dB." This is too close to the state standard for permitting. Typically sound measuring is done with an accuracy stated, for example of ± 2 dB, which in this case could put it over the state limit. The Spring Creek estimates it would need MPCA standards at between 558-813 feet, depending, and states that there "should" be no noise impact to nearby residents. Siting wind turbines provides one opportunity to get it right – once put in place, they are not easily moved. See Exhibit I, Rick James, Additional Testimony, in AWA Goodhue Wind docket.

There is not sufficient basis for a finding that the project will not exceed MPCA noise standards, and there is no basis for a finding that the project will not emit noise at a level that would annoy neighboring residents.

m. Other. 2. Decommissioning. Again, although the applications have a section labeled “Decommissioning” there is no provision for a decommissioning fund, either bond or cash payment, and there is no assignment of decommissioning costs. The Gro Wind application states that “An escrow will be established, as per the lease, which will cover the costs of decommissioning at the end of operation.” No copy of the lease is provided to review the terms of this escrow for reasonableness or adequacy.

There is no basis for a finding that the project will decommission the wind turbines at the projects’ lease end or if it is abandoned.

Gro Wind projects are connected, over 5MW and require PUC review

The Gro Wind projects are all connected, the applications are “cut & paste” similar, and require PUC review because they are a connected project over 5MW. If the project applicants want County review, they must file notice with the state. As of the date of this writing, this has not been done.

If applicant wants to proceed with this project, they can come back when they’re prepared

The Planning Commission should deny the applications at this time because they are incomplete. If the applicants wish to proceed, they should refile, the 60 day clock starting anew. If refiled, the applications should include documentation necessary to make supportable findings under the Conditional Use Criteria, specifically, information regarding:

- Size Determination from state;
- Size Election notice to state if county permitting review elected;
- Transmission interconnection studies and costs;
- Power Purchase Agreements;
- Landowner leases;
- Maps showing Right of Way use and approval of that use;
- DNR Comment letter regarding areas of concern and impacts;
- Minnesota Historical Society letter detailing historical sites and impacts;
- FAA documentation and approval;
- FCC interference documentation/studies

Please let me know if you have any questions.

Very truly yours,



Carol A. Overland
Attorney at Law