

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE  
PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Goodhue Wind, LLC  
for a Siting Permit for a 78 MW Wind Project  
(Goodhue Wind Project) and Associated Facilities in  
Goodhue County, Minnesota

Dockets: IP-6701/WS-08-1233

**GOODHUE WIND TRUTH  
MOTION FOR CONTINUANCE OF AGENDA ITEM  
AND  
EXTENSION OF COMMENT PERIOD**

Goodhue Wind Truth hereby makes this Motion for Continuance of AWA Goodhue Agenda Item and Extension of Comment Period.

Goodhue Wind Truth brings this Motion to the Commission as February 2, 2012 approaches, the date that the Commission has Noticed the AWA Goodhue Avian and Bat Protection Plan for consideration by the Commission. There has been a flurry of filings, most importantly, the AWA Goodhue Fall Eagle Migration Survey Report on Tuesday, last week, and a revised Avian and Bat Protection Plan yesterday.

There has been insufficient time to review these filings, particularly in light of the many pages of specific and substantive comments made by U.S. Fish and Wildlife and the Minnesota Department of Natural Resources. The parties, the public, and most importantly, U.S. Fish and Wildlife and the DNR, the agencies charged with and having the expertise in avian and bat protection – all require more time to review the filings by AWA Goodhue. Presumably the Dept. of Commerce and Commission staff would need more time as well.

On December 15, 2011, AWA Goodhue filed its Avian and Bat Protection Plan<sup>1</sup>. In response, there have been many comments by parties and members of the public regarding the AWA Goodhue Avian and Bat Protection Plan.

Over the last week, filings regarding the Avian and Bat Protection Plan have included:

- On January 12, 2012, the USFWS and DNR submitted extensive and substantive critical Comments on AWA Goodhue's proposed Avian and Bat Protection Plan. These were sent to Energy Facilities Permitting. The DNR Comments were sent to Larry Hartman, and the USFWS Comments were sent to Jamie MacAlister, but **THEY WERE NOT FILED AND WERE NOT AVAILABLE TO PARTIES OR THE PUBLIC.**
- On January 17, 2012, AWA Goodhue made a compliance filing, the Fall Eagle Migration Survey Report<sup>2</sup>.
- On January 19, 2012, the USFWS and DNR Comments that were sent to Energy Facilities Permitting one week prior were filed in eDockets and made available to parties and the public<sup>3</sup>.
- On January 20, 2012, Notice of the Commission meeting with the AWA Goodhue Avian and Bat Protection Plan was posted<sup>4</sup> and mailed.

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<sup>1</sup> [201112-69696-01](#) PUBLIC 08-1233 WS AWA GOODHUE, LLC COMPLIANCE FILING--SECTIONS 6.7 AND 13.1 ABPP - ERRATA 12/28/2011

[201112-69301-01](#) PUBLIC 08-1233 WS AWA GOODHUE, LLC COMPLIANCE FILING--SECTION 13.1.2 - BAT MONITORING REPORT 12/15/2011

[201112-69312-01](#) PUBLIC 08-1233 WS AWA GOODHUE, LLC COMPLIANCE FILING--SECTIONS 6.7 AND 13.1 - ABPP 12/15/2011

<sup>2</sup> [20121-70384-01](#) PUBLIC 08-1233 WS AWA GOODHUE LLC COMPLIANCE FILING--FALL EAGLE MIGRATION SURVEY REPORT 01/17/2012

<sup>3</sup> [20121-70445-02](#) PUBLIC 08-1233 WS DNR COMMENTS--ON AVIAN AND BAT PROTECTION PLAN 01/19/2012; and

[20121-70445-01](#) PUBLIC 08-1233 WS USFWS COMMENTS--USFWS- ON AVIAN AND BAT PROTECTION PLAN 01/19/2012

<sup>4</sup> [20121-70479-02](#) PUBLIC 08-1233 WS PUC NOTICE OF COMMISSION MEETING--FEBRUARY 2, 2012 01/20/2012

- On January 24, 2012, yesterday, AWA Goodhue filed a revised Avian and Bat Protection Plan<sup>5</sup> and Reply Comments to USFWS and DNR Comments and Redline ABPP<sup>6</sup>.

The filings yesterday and last week total hundreds of pages.

The Commission should also be aware that the Avian and Bat Protection Plan makes several claims to “eagle baiting” in the AWA Goodhue project footprint. These claims were objected to by both USFWS and the DNR, stating that eagle baiting had not been demonstrated. Goodhue Wind Truth filed a Data Practices Act Request with the Board of Animal Health upon reading those charges in the ABPP. The complaints were made by Ron Peterson, Westwood Consultants, an AWA Goodhue contractor. These complaints were investigated by the Board of Animal Health, and no violation or “eagle baiting” was found. The primary documents provided in response to GWT’s Data Practices Act Request by the Board of Animal Health, including the Complaint records and Investigation reports, are attached.

Goodhue Wind Truth requests that the Commission remove the AWA Goodhue Avian and Bat Protection Plan from the February 2, 2012 Commission agenda and provide at least thirty (30) days for review and submission of Comments.



January 25, 2012

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Carol A. Overland #254617  
Attorney for Goodhue Wind Truth  
OVERLAND LAW OFFICE  
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Red Wing, MN 55066  
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[overland@legalelectric.org](mailto:overland@legalelectric.org)

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<sup>5</sup> [20121-70593-02](#) PUBLIC 08-1233 WS AWA GOODHUE LLC COMPLIANCE FILING--SECTION 6.7 AND 13.1 REVISED ABPP 01/24/2012

<sup>6</sup> [20121-70593-01](#) PUBLIC 08-1233 WS AWA GOODHUE LLC COMPLIANCE FILING--SECTION 6.7 AND 13.1 REPLY COMMENTS AND REDLINE ABPP 01/24/2012

**Subject:** FW: Data Request  
**From:** "Brigan, Katie" <Katie.Brigan@state.mn.us>  
**Date:** Tue, 10 Jan 2012 15:33:55 -0600  
**To:** <overland@legalelectric.org>

Hi Carol,

I am writing to you in response to your data request on 12/31/11.  
Attached are all of the recent complaint forms and follow up  
investigation reports in Goodhue county.

Thanks-you.

Katie Brigan, B.S.

MN Board of Animal Health  
625 Robert St. N  
St. Paul, MN 55155

Direct Number: 651-201-6826  
Fax: 651-296-7417  
Email: [katie.brigan@state.mn.us](mailto:katie.brigan@state.mn.us)

-----Original Message-----

From: [overland@legalelectric.org](mailto:overland@legalelectric.org) [<mailto:overland@legalelectric.org>]  
Sent: Saturday, December 31, 2011 11:10 AM  
To: Brigan, Katie; Xiong, Blia; Held, Ted  
Subject: Data Request

Below is the result of your feedback form. It was submitted by  
([overland@legalelectric.org](mailto:overland@legalelectric.org)) on Saturday, December 31, 2011 at 11:10:20

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Requested By: Carol Overland  
Request Date: 12/31/11  
Date Needed: Statutory deadline  
company-type: other  
company-organization: Eagle baiting complaints in Goodhue County  
address: 1110 West Avenue  
city: Red Wing  
state: MN  
zip: 55066  
phone: 612-227-8638  
details: Copies of complaints regarding potential "eagle baiting" in  
Goodhue County, investigations, reports, citations, notices of  
violation, enforcement actions and other documents regarding complaints  
and investigations.  
button: Submit

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<b>Data Request, Goodhue County 1-10-12.pdf</b>	<b>Content-Description:</b> Data Request, Goodhue County 1-10-12.pdf <b>Content-Type:</b> application/pdf <b>Content-Encoding:</b> base64
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# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Investigation Report

Case Number: \_\_\_\_\_

Date of complaint: **11/16/2011**

Inspector Assigned: **Carl Denkinger**

Date assigned: **11/16/2011**

#### DESCRIPTION OF INVESTIGATION

On 11/29/11 I investigated a complaint of calf carcasses being dumped in a remote part of Sec. 30 Goodhue Twp., Goodhue County MN. This is part of an ongoing situation involving carcass dumping in the Bele Creek - Goodhue townships of Goodhue County. I did not find any carcasses but was unable to do a thorough investigation because of uncertainty as to where the carcasses were supposedly located. I was unable to contact the landowner on which the carcasses were dumped if they existed.

#### REQUIRED ACTION(S)

None at this time

Due (Compliance date): **N/A**

#### FOLLOW-UP RESULTS

I will attempt another investigation to see if indeed there are calf carcasses on the property once I have more information as to location.

Follow-up Date: **N/A**

Inspector Signature: Carl Denkinger

Date: **11/29/11.**



# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Investigation Report

Case Number: \_\_\_\_\_

Date of complaint: **11/16/2011**

Inspector Assigned: **Carl Denkinger**

Date assigned: **11/16/2011**

#### DESCRIPTION OF INVESTIGATION

On 11/22/11 I investigated additional reports of carcasses being dumped in section 16 of Belle Creek Twp., Goodhue County and to order a cleanup of the carcasses already on the property. At the time of my investigation, I did not find any carcasses. I did find an area where the ground had been disturbed and the soil stained with what appeared to be blood. This was the same area where carcasses were found in the course of my investigation dated 11/17/11. Prior to my investigation this date, someone or something had removed the carcasses observed on 11/17/11. I was unable to contact the property owner.

#### REQUIRED ACTION(S)

None at this time

Due (Compliance date): **N/A**

#### FOLLOW-UP RESULTS

It would appear that this is not an ordinary irresponsible producer dumping carcasses. I will continue to follow up on complaints of illegal dumping in the area and try to establish a guilty party.

Follow-up Date: **N/A**

Inspector Signature: \_\_\_\_\_

*Carl Denkinger*

Date: **11/22/2011**



# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Submission Form

Complainant: **Ron Peterson, Westwood Professional Services**

Phone: **952-697-7310**

Date: **12/1/2011**

Type of complaint:

- ☒ Carcass disposal      ☐ Licensed kennel      ☐ Unlicensed kennel      ☐ Market/Sale/Exhibition  
☐ Other \_\_\_\_\_

#### NATURE OF COMPLAINT

**Baby pig carcasses dumped in a field owned by Mr. Dan Ryan, Goodhue MN.**

Date of alleged violation: **unknown**

#### RESPONSIBLE PARTY AND CONTACT INFO (IF KNOWN)

Contact Name: **Mr. Dan Ryan**

Phone: **N/A**

Location where alleged violation occurred **open field in Sec. 2, Belle Creek Twp., Goodhue County**

Address: **24270 Wheat tr**

City: **Goodhue**

County: **Goodhue**

State: **MN**

Zip: **55027**

Township: **Belle Creek**

Section: **2**

Return this form to:

**Minnesota Board of Animal Health  
625 Robert Street North  
St. Paul, MN 55155  
Fax: 651-296-7417**

#### FOR OFFICE USE ONLY

☐ Complaint not substantiated      ☐ Complaint substantiated

Case number: \_\_\_\_\_

Inspector assigned: \_\_\_\_\_

Date: \_\_\_\_\_





# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Investigation Report

Case Number: \_\_\_\_\_

Date of complaint: ~~11/17/11~~ 12/1/11

Inspector Assigned: Carl Denkinger

Date assigned: 11/16/2011

#### DESCRIPTION OF INVESTIGATION

On 12/1/11, I conducted an investigation into illegal carcass dumping in section 2 of Belle Creek Twp. Goodhue County. I did not find any carcasses at the location indicated by the complainant but I did find the soil disturbed and staining due to fluids of some sort. I also found what I assume to be swine hair. I then contacted the property owner, Mr. Dan Ryan. He stated that coyote hunters had used the area this year and in the years past to hunt coyotes and they used carcasses as bait. I informed him that this is illegal and that he is responsible for cleanup and disposal of any carcasses on land he owns. He agreed to put an immediate stop to the practice.

#### REQUIRED ACTION(S)

None at this time

Due (Compliance date): N/A

#### FOLLOW-UP RESULTS

There were no carcasses at the time of my investigation however contact with the landowner indicated there had been carcasses and that he would make sure the property was policed and no further violations occur. I will take action in the future based on future complaints concerning this property.

Follow-up Date: N/A

Inspector Signature: \_\_\_\_\_

*Carl Denkinger*

Date: 12/9/2011





# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Submission Form

Complainant: **Ron Peterson, Westwood Professional Services**

Phone: **952-697-7310**

Date: **12/8/2011**

Type of complaint:

- ☒ Carcass disposal      ☐ Licensed kennel      ☐ Unlicensed kennel      ☐ Market/Sale/Exhibition  
☐ Other \_\_\_\_\_

#### NATURE OF COMPLAINT

**Dead cow and calf in pasture/feedlot located on David Buck farm 37298 180th Ave, Goodhue MN.**

Date of alleged violation: **unknown**

#### RESPONSIBLE PARTY AND CONTACT INFO (IF KNOWN)

Contact Name: **Mr. David Buck**

Phone: **N/A**

Location where alleged violation occurred **feedlot/pasture adjacent to farm buildings**

Address: **37298 180th Ave**

City: **Goodhue**

County: **Goodhue**

State: **MN**

Zip: **55027**

Township: **Goodhue**

Section: **19**

Return this form to:

**Minnesota Board of Animal Health  
625 Robert Street North  
St. Paul, MN 55155  
Fax: 651-296-7417**

#### FOR OFFICE USE ONLY

- ☐ Complaint not substantiated      ☐ Complaint substantiated

Case number: \_\_\_\_\_

Inspector assigned: \_\_\_\_\_

Date: \_\_\_\_\_



# Minnesota

## Board of Animal Health

*Safeguarding Animal Health*

www.bah.state.mn.us

### Complaint Investigation Report

Case Number: \_\_\_\_\_

Date of complaint: 12/8/2011

Inspector Assigned: Carl Denkinger

Date assigned: 11/16/2011

#### DESCRIPTION OF INVESTIGATION

On 12/9/11, I investigated a complaint concerning the disposal of carcasses on the David Buck property located in sec. 19, Goodhue Twp., Goodhue County. I did not find any carcasses in the area indicated by the complainant. However I was not certain of the exact location. I did contact Mrs. Buck and informed her of the complaint. She stated that they had a dead calf in the lot/pasture adjacent to their buildings and that she assumed the carcass had been put in the composting bin where they are normally processed. If not she would see to it that was done ASAP.

#### REQUIRED ACTION(S)

None at this time

Due (Compliance date): N/A

#### FOLLOW-UP RESULTS

I have no indications that this disposal was overdue in terms of time allotted for proper disposal. The producer agreed to properly dispose of the carcass if it had not already been done.

Follow-up Date: N/A

Inspector Signature: Carl Denkinger

Date: 12/9/2011