

# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40



November 2, 2012

Burl Haar, Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East  
Saint Paul, MN 55101

Re: Findings of Fact and Proposed Site Permit for the Getty Wind Project in Stearns County  
[PUC DOCKET NO. IP-6866/WS-11-831]

Dear Burl Haar:

The Minnesota Department of Natural Resources (DNR) has reviewed the Findings of Fact and Proposed Site Permit prepared by the Minnesota Department of Commerce, Energy Facility Permitting (EFP) for the Getty Wind Project. The EFP and the Applicant have collaborated thoroughly with the DNR regarding natural resource impacts and the DNR is in overall agreement with the manner natural resources topics are addressed in the Proposed Site Permit. The following comments are provided on specific sections of the site permit.

Section 13.2 of the Proposed Site Permit references overhead feeder lines. The DNR appreciates the opportunity to provide input regarding bird diverters and the inclusion of this in the permit language. However, the use of underground collector and/or feeder lines seems to be common in many permits, is a method to minimize risk of avian collision with lines, and is encouraged as much as possible for this project.

Section 13.3 of the Proposed Site Permit discusses a site specific study characterizing bat activity. The DNR is generally supportive of this study and reporting permit condition. The condition states the following: "Need for additional studies shall be based on review of this compliance filing." The DNR also agrees with determining the need for additional studies and would add the following: "Need for additional studies *or turbine siting modifications* shall be based on review of the compliance filing." In the case of the Getty Wind Project, the Applicant has collaborated thoroughly and worked through multiple turbine siting modifications with the EFP and DNR to reduce the potential for natural resource impacts. The DNR does not currently expect additional layout changes based on existing information. Pre-construction study (Tier 3 Studies) results do, however, seem to be intended by the United States Fish and Wildlife Service (USFWS) wind guidelines to inform siting decisions. Considering the possibility that survey results may contain new and unexpected information and considering that this language might be used for other sites, the DNR recommends allowing for the possibility of turbine site modifications in this permit condition.

Section 13.4 of the Proposed Site Permit discusses avian and bat post-construction fatality monitoring. The DNR had input regarding this language and appreciates inclusion of these protocols in the Proposed Site Permit. It is notable that the DNR Draft Avian and Bat Monitoring Protocol is currently under review by the EFP and may soon be finalized, which may affect how current this permit language would be at the time of designing monitoring protocols. Changes to the document are possible prior to finalization. The DNR recommends amending this language in a way that allows for use of the most current protocol at the time of detailed study design.



Section 7.11 of the Proposed Site Permit discusses an Invasive Species Prevention Plan. Prevention of the spread and infestation of invasive species is a priority at the DNR and inclusion of this permit condition is supported. The DNR would appreciate a copy of the Invasive Species Prevention Plan.

The Findings of Fact and Proposed Site Permit correctly summarize and reflect recent DNR review of turbine layout modifications as within the DNR criteria for a moderate estimate of risk to birds and bats. Due to the quality of surrounding habitat near the project and results of wildlife surveys, risk assessment for this project was primarily based on whether turbine locations were located within agricultural areas at a distance from conservation lands, avian and bat habitat, and flyways found during surveys. For this reason, the DNR carefully reviewed turbine locations throughout project development. The most recent turbine layouts were assessed as moderate risk, but some previous turbine layouts were estimated to have a high risk. Substantial relocation of turbines, particularly near public waters, conservation lands, or in flyways, would change the DNR estimated risk level to avian and bat species for this project.

The DNR appreciates the opportunity to review the Findings of Fact and Proposed Site Permit and the attention to potential avian and bat impacts included in these documents. Please feel free to contact me with any questions.

Sincerely,



Jamie Schrenzel  
Principal Planner  
Environmental Review Unit  
(651) 259-5115

C: Suzanne Steinhauer, EFP  
Roland Jurgens, Mnioka Construction  
Patrick Smith, Geronimo Wind