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TIMOTHY J. WALZ
CONGRESS OF THE UNITED STATES
FIRST DISTRICT, MINNESOTA
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March 15, 2018

Dan Wolf, Executive Secretary
Minnesota Public Utilities Commission
Docket Number: IP-6946/WS-17-410
121 7th Pl E #350, St Paul, MN 55101

Dear Executive Secretary Wolf,

I am writing to correct a clerical error made in my earlier letter to the Minnesota Public Utilities Commission regarding the Freeborn Wind Project in Freeborn County, Minnesota. That letter incorrectly stated that Melville Nickerson, Director of Government Relations for Invenergy, LLC, was my constituent. I appreciate the opportunity to correct the record, which should reflect that Mr. Nickerson is not a southern Minnesota resident.

Furthermore, since my initial correspondence, I have heard directly from my constituents in Freeborn County who have serious concerns about the siting of turbines in the Invenergy proposal. It is my wish that these concerns receive full and fair consideration as your Commission works through its permitting process. I have attached to this letter a document from residents of Freeborn County outlining these concerns in greater detail and pass them along to you for your consideration.

Thank you for your attention to this matter. I am a firm supporter of renewable energy and have consistently advocated for Minnesota projects that I believe will help our state move off of its reliance on fossil fuels. However, I also firmly believe that we must balance our development of renewables with respect for individuals whose quality of life could be adversely affected by a specific project. I am confident that you and your Commission share this belief and will conduct your review of this matter in an open and transparent manner.

Sincerely,

A handwritten signature in black ink that reads "Tim J. Walz". The signature is fluid and cursive, with the first name "Tim" and last name "Walz" clearly legible.

Tim Walz
MEMBER OF CONGRESS

TJW/SVS

Association of Freeborn Landowners & Freeborn Wind

The Association of Freeborn Landowners (AFCL) is an informal association of landowners within the footprint proposed for the Freeborn Wind, LLC wind project. AFCL requested a contested case hearing, which was granted and intervened as a party.

BIG PICTURE – SYSTEMIC PROBLEMS OF SITING WIND PROJECTS IN MINNESOTA

The State of Minnesota has systemic flaws in its wind siting process, resulting in siting which violates permit conditions, puts landowners and residents at risk, and steals landowners use and enjoyment of their property:

- Before the Freeborn Wind project, the state has not used the applicable siting criteria, that of Minn. Stat. §216.03, Subd. 7 (see Minn. Stat. §216F.02 Exemptions). Commerce's Rich Davis was asked to amend Commerce's Comments and Draft Siting Permit to include reference to the siting criteria, and he testified that he was not familiar with Minn. Stat. §216E.03, Subd. 7. Commerce and the Commission must site wind projects using the statutory criteria, and must address all the previous permits not using statutory criteria.
- Wind projects are exempt from EIS and Environmental Assessment environmental review!
- Minnesota agencies resisted offering testimony regarding their own comments, project siting developments, and project specific and general concerns. Previously agency staff attended hearings and offered testimony, yet in this case, AFCL had to subpoena DNR, Commerce, and Health -- all objected. Why?
- Wind projects must comply with the MPCA's noise rules, Minn. R. Ch. 7030, but the noise rules regulate industrial facilities using an A weighted scale, which do not capture both A and C weighted scales, the noise emitted by wind turbines. Noise rules specifically addressing wind turbine noise are needed.
- Wind projects are not compliant with 2012 Dept. of Commerce Guidelines for noise monitoring, which states that projects should not be proposed without pre-construction modeling of both ambient noise and wind turbine noise. Inclusion and consideration of all noise is a key to preventative siting, but Freeborn did not produce it before the hearing, and only submitted it after Freeborn's omission was raised during the hearing.
- Noise levels allowed by MPCA's noise standards are more lax than recommended noise levels in other jurisdictions, and do not provide for any buffer or margin of error in modeling. Even with that laxity, projects violate Minnesota noise standards. How will violations be corrected for operating projects?
- Under current rules, the decommissioning plan isn't drafted and filed until after a permit is issued. How are costs of decommissioning be guaranteed? What if project goes bankrupt or permit is revoked?
- The complaint process, part of all Permits, is dysfunctional. Complaints are made and often not resolved even after years of problems, i.e., Bent Tree and Big Blue wind projects, and with pipeline and transmission line projects as well. The complaint process must be revised.
- There is no statutory mechanism in place to address situations where projects are built and residents have lost the use and enjoyment of their property. "Buy the Farm," . Minn. Stat. §216E.12, Subd. 4, for transmission is instructive, and applies to wind projects (see Minn. Stat. 216F.02, Exemptions). Minnesota should adopt the Power Plant Siting Act's "Buy the Farm" and Minn. Stat. Ch. 114 eminent domain compensation for landowner buy-outs where the wind farm has moved into the neighborhood. No permit should be issued without a plan in place to address permit violations and landowner complaints.

ISSUES RAISED BY ASSOCIATION OF FREEBORN COUNTY LANDOWNERS

In light of the systemic issues in siting wind turbines, and the specific issues below, PUC should not issue a siting permit for any wind project until these systemic and specific problems are corrected.

Noise: Noise has been a documented problem in other wind developments. Wind projects have not done the

necessary modeling prior to construction, and post-construction noise modeling has shown that at least two projects thus far are not compliant with noise rules and permit conditions.

Shadow flicker: Shadow flicker occurs when the turbines block the sun and is limited for nearby homes to 30 hrs/yr. Wind developers perform shadow flicker monitoring, but shadow flicker occurs, whether someone is a "receptor" or not. Wind companies propose "mitigation" using blinds and shades, leaving people to sit in the dark in daytime, or as Freeborn's Litchfield suggested in writing, "go to Florida for the winter."

Visual intrusion: A wind project is visible for many miles. Freeborn's turbines are proposed to be as close to homes as 1,200 feet, and several landowners live within the project, surrounded by multiple turbines, visible out picture windows, towering over their homes.

Road upgrades and repairs: Township and county roadways would require significant rebuilding to handle the heavy weight of truck traffic with cranes and turbines. The roads would need to be widened and corners expanded so equipment could make the turns, and roads must be returned to previous condition, which may not be wise considering necessary turbine maintenance, replacement, rehab, and removal.

Drain tile: Drain tile systems will likely be damaged, and due to the interconnected nature of drain tile, damage from debris and silt in the system could migrate beyond the immediate construction area, and construction damage may not become apparent until long after the project is built.

Aerial spraying: Aerial spraying and seeding is not possible within a wind project, and is difficult nearby.

Ice Throw: Ice throw from blades is real. Last month, Bent Tree ice throw damaged a semi-tractor on Hwy. 13.

Interference with broadcast radio and TV, internet, cell land line phone: KAAL intervened to address this.

Impact on wildlife: Wildlife habitat would decrease, and encroach on important species. Eagle nests and foraging areas are within and surrounding the project footprint. AFCL has reported multiple eagle nests to Freeborn Wind, DNR, and USFWS, but several remain unacknowledged. Bat monitoring was not conducted on agency recommended schedule.

No room to adjust turbine locations, and no alternate sites proposed: Freeborn has testified that they have no room to move the Minnesota turbine locations.. The DNR requested 5-6 alternate turbine sites should issues arise that prohibit use of locations proposed, and DNR testified at the hearing that none were provided. Freeborn states alternate sites are in Iowa, there is room for 42, but didn't identify the specific alternate sites.

Complaint process proposed is dysfunctional. The Draft Site Permit includes the complaint process now in place, which in several other dockets has been ineffective to deal with post-construction problems.

Poor siting leaves no option for enforcement: If a project doesn't comply with its permit, the cost, installation, and size of wind turbines makes enforcement difficult. Initial siting must be done correctly.

A wind project moving in changes the character of the community forever with a shift from agricultural to industrial: COMMUNITY CONSENT IS NECESSARY! The people who live here chose to live here, to stay here, for many reasons. Most grew up here, and their land has been in the family for generations. Many want a quiet rural way of life. Entry of wind turbines into this community would shift away from the established and flourishing agricultural base. It's important to note that the wind project moving into a community, but not mindful or respectful of those living in the area, and landowners have not consented. This project would take away use and enjoyment of their property. Building this project in the area proposed would remove some of the most productive agricultural land from production. Construction activities would disrupt with noise, high traffic, disrupted and rebuilt roadways and drainage systems. Operation would disrupt with continual flashing red lights, turbine noise, maintenance activities. The community would become an industrial, not agricultural, area.

Freeborn Wind should not be granted a permit. The above factors affect siting of individual turbines and siting of the project as a whole. Freeborn Wind does not have land rights in Minnesota to move turbines that would comply with siting requirements and alleviate these concerns. Prevention and precaution is needed in siting such large infrastructure in a community. The PUC should not issue a siting permit.