Minnesota Energy Facility Permitting

- Large Wind Energy Conversion Systems
- High Voltage Transmission Lines
- Large Electric Power Generating Plants
- Pipelines
Wind Siting Act – Minnesota Statute 216F

- The siting of Large Wind Energy Conversion Systems (LWECS), which is 5 MW or more, is to be made in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources (Minn. Stat. § 216F.03).

- Local government may regulate projects less than 25 MW in combined nameplate capacity.
  - Less than 5 MW is a Small Wind Energy Conversion Systems.
  - Between 5 MW and 25 MW if assume authority to regulate LWECS via Minn. Stat. § 216F.08.
More than 1,331 MW in Minnesota.
Wide diversity of project sizes from <1 MW to 200 MW.
Concentrated in southern Minnesota.
Geographic expansion beginning.
Public Utilities Commission Wind Permitting

- Provides consistent process and standards statewide
- Up to 6 month process
- Alternate form of Environmental Review – not required to prepare an EIS, EA, or EAW for Minnesota
- Public notice, participation, comments
- Site permits issued for up to 30 years and may be amended
PUC Permitting Process

00

15

45

60

75

180

Timeline
Time from application acceptance to permit decision = 180 days.

* Public Participation Opportunities

Minnesota Rules 7836
County Delegation Program Overview

- PUC General permit standards for wind developed
- Standards apply to projects < 25 MW, variance allowed
- Counties may be more restrictive by ordinance
- Technical assistance to counties

How to Assume Authority

- Adopt permitting authority through resolution
- Written notice to PUC

Clarified Project Size Definition

- Established project sized determination procedure
- Applications to counties must include the determination
Counties with LWECS Permitting Authority

- Lyon
- Freeborn
- Murray
- Lincoln
- Stearns
- Meeker
LWECS Permitting Requirements

General Permit Standards

- Minn. Stat. § 216F.08 directed PUC to adopt standards for projects less than 25 MW
- PUC Order, January 11, 2008 (Docket #: 07-1102)
- Establishes minimum standards.
  - Setbacks
  - Size Determination
  - Permittee Responsibilities
  - Studies/Surveys/Plans
  - Reporting
  - Pre-Construction Meeting
- Adopt General Permit Standards via Ordinance
## PUC General Permit Setbacks

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<tr>
<th>Issue</th>
<th>PUC General Permit Setback Minimums</th>
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| **Wind Access Buffer (setback from lands not in permittee’s control)** | 3 RD (760 – 985 ft) on east-west axis  
5 RD (1280 – 1640 ft) on north-south (RD = rotor diameter = 78 – 100 m) |
| **Homes**                                                            | 500 feet + distance to meet state noise standard.                                        |
| **Noise Standard**                                                   | 750 – 1500 ft typically required to meet state noise standard. (Minnesota Rules Chapter 7030). |
| **Public Roads**                                                     | 250 ft from edge of public road ROW.                                                     |
| **Wetlands**                                                         | No turbines in wetlands and no setback; but Wind Access Buffer setback applies to public lands. |
Additional Standards

- Identify, avoid and repair drain tile damage.
- Public road permits required and repair construction related damages.
- NPDES storm water permit for construction projects.
- Utility scale, monopole design turbines, not prototypes. Off white or white in color.
- Lighting and safety marking limited to FAA requirements.
- Conditions for crop damage and restoration.
- Preconstruction emergency plan.
- Tower identification and “as-built” GIS data submitted to PUC.
- TV signal strength study (baseline) and preconstruction microwave beam path analysis.
- Decommissioning plan.
- PUC option to request post construction noise analysis.
- Special Conditions.
Setback from Public Lands, Small Parcels

General Permit Standards

- PUC imposed new setbacks from public lands, affording them the same property rights protections as private lands.
- Also affirmed rights of parties owning small parcels.
Local Review of Associated Facilities

Associated Facilities

- Transmission lines, substations, O&M building

Local Review for Transmission Lines

- Minn. Stat. § 216E.05
  - HVTL between 100 and 200 kV
  - Substations with a voltage designed for 100 kV
  - Other facilities
  - Within 10 days of notifying local government, applicant must notify PUC
  - Local government can request PUC to assume jurisdiction within 60 days.
PUC Permit Prevails

PUC's permits preempt local planning and zoning – LWECS permit is the only site approval required.

Local governments can comment during the state permitting process – PUC must apply county standards for LWECS unless PUC finds good cause to not apply those setbacks.
Exclusion Areas Defined in Process
Details Come Through Compliance

Morgan Wind Project
Brown and Redwood Counties, Minnesota
Preliminary Site Layout
EXHIBIT A-3
If PUC's state permitting authority is to be used to establish conditions, the record for these conditions must be developed within PUC's purview.
Other Permits

Wetland and Water Impacts
- Section 404 (COE), WCA (SWCD), PWI (DNR)
- License to cross public waters (DNR)

Turbine Location and Lighting
- Proposed Construction or Alteration (FAA)

Sediment Control
- NPDES storm water permit for construction projects

Transportation and Road Permits
- State, County, Township – oversize/overweight, driveway access, utility crossing.

Other Project Specific Permits
- Additional permitting maybe be required for the interconnection, O&M building, and other project components.
For Further Information on Minnesota’s Permitting Process for Large Wind Energy Conversion Systems see:

http://www.energyfacilities.puc.state.mn.us/wind.html

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