

State and Agency Interaction

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& BYRON, P.A.

Presentation Overview

- Range of State site/route permitting processes
- Range of site/route flexibility
- How other permits interact

State Permitting Timelines-Factors

- Size of facility (local v. state)
- Type of facility (wind, pipeline, solar, transmission)
- How firm the statutory “deadline” is. (WI v. MN)
- Need for local approvals
- Appeals

State Permitting Processes

- Notice and comment
- Contested case
- Local permitting
- Flexibility

Flexibility

Minnesota Transmission Line:

The approved right-of-way width for the project is up to 80 feet (40 feet on either side of the centerline). This permit anticipates that the right-of-way will generally conform to the anticipated alignment as noted on the attached route permit maps unless changes are requested by individual landowners or unforeseen conditions are encountered or are otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this permit.

Flexibility

Wisconsin Transmission Line:

The standards adopted in previous cases required that the proposed change:

1. Does not affect new landowners on the selected route who have not been given proper notice and hearing opportunity.
2. Does not impact new resources or cause additional impacts that were not described in the ELIS.
3. Is agreed to by the landowner, and this is affirmed in writing.

The Commission finds that it is reasonable to authorize the proposed process for handling Maras. To pursue such modifications, the applicants would submit a letter describing the nature of the requested change, the reason for it, the incremental cost and environmental impacts, differences from the approved route, an explanation of the applicants' communications with the affected landowners, and a signed affidavit from the property owner accepting the proposed changes. The requests would be reviewed by Commission staff and approval is delegated to the Administrator of the Gas and Energy Division.

Flexibility

South Dakota Wind

23. Applicant may make turbine adjustments of 250 feet or less from the turbine locations identified in the Application without prior Commission approval, so long as specified noise and shadow flicker thresholds are not exceeded, cultural resource impacts and documented habitats for listed species are avoided, and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers (USACE) regulations. Prior to implementing the turbine adjustment, Applicant will file in the docket an affidavit demonstrating compliance with the limitations set forth above. Any turbine adjustment that does not comply with the aforesaid limitations would be considered a “material change,” and Applicant shall file a request for approval of the “material change” prior to making the adjustment pursuant to the following approval process...

How Other Permits Interact

- Roadblocks
- Successes

Closing

- Engage early, often and candidly

Contact Info

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