

McLean County Commission Special Meeting

Discovery Wind Hearing

Tuesday, April 9, 2024

The Commission Special Meeting in regard to the Discovery Wind Hearing was called to order at 7:00 p.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Auditor Beth A. Knutson; Deputy Auditor Diane L. Blumhagen; Road Superintendent James Grey; and State's Attorney Ladd Erickson. A listing of others in attendance may be requested from the Auditor's Office. The Auditor's Office is not responsible for any attendee that did not sign in.

Cottingham opened the meeting welcoming everyone in attendance and invited Erickson to take the floor. Erickson explained the process of a Planning and Zoning project and stated the proposed area is in Commissioner Steve Lee's District. Erickson stated that Cottingham has no right to recuse himself from the hearing and as Chairperson will be running the meeting.

Erickson stated that the commission will be considering the following items:

- is there a material adverse effect from the project;
- will agricultural roads and wildlife be harmed or affected; and
- will the project in any way be a detriment to the property values in or around the project area.

No other items will be discussed at this hearing.

Cottingham invited representatives of the Discovery Wind Project to take the floor and present the project to those in attendance.

Mollie Smith, representing Apex on behalf of Fredrikson and Byron; Sean Stocker, Apex Clean Energy Vice President of Development; and Brie Anderson, Director of Project Permitting, discussed their portions of the project and answered questions from the commissioners.

Lee then requested James Grey to take the floor to clarify the impact that the county roads can handle regarding the type of loads and the amount of traffic. Grey responded with the knowledge and experience he has from previous projects in the county and how they have affected McLean County roads and culverts. He also voiced his concerns with the increased traffic and impact to the residents in and around the project area.

Cottingham invited Jon Brekke, Vice President and Chief Power Supply Officer of Great River Energy (GRE), to take the floor. Brekke thanked the commission for the opportunity to speak and stated that GRE is committed to supporting the Discovery Wind Project.

Chris Faul, Vice President of Operations for Rainbow Energy Center, presented the commission with a letter from Carroll L Dewing, SR. VP & COO of NACCO Natural Resource Corporation, addressing the commission in full support of the project. Faul spoke regarding safety, quality, and coal value.

Stacy L. Tschider, CEO of Rainbow Energy and Nexus Line, addressed the commission and the community in full support of the project.

Cottingham invited community members in attendance to speak for or against the project.

The following people voiced their concerns against the project:

Don Sorge, Corey Neumiller, Marvin Neumiller, Colette Ronderos, Pablo Ronderos Jr, Dan Leingang, Shane Wagner, Mike Leingang, Petrus Van Rooyen, Luke Gilbert, David Ronderos, and Washburn Airport Representative Neil Kadrmas, all of Washburn; Alan Wagner of Wilton; Henry Thingvold of Riverdale; Jeff Walcker, Ben Goven, Daniel Hildebrand, Richard Hanson, and Cory Grabinger, all of Turtle Lake; Vern Harchenko of Garrison; and Kelly Nelson of Coleharbor.

The following people voiced their support for the project:

Clark Renfrow and Cyndi Renfrow both of Turtle Lake; Wayne Carlson of Mandan; Mark Lelm and Mark Jennings both of Washburn; Chris Cleveland of Wilton; and Bruce Christianson of Minot.

Brennan Bergquist, of Washburn, wanted to ask a question of Discovery Wind. Erickson recommended the question be submitted in writing for Discovery Wind to answer all questions later in the hearing.

Larry Keller, of Washburn, proposed more questions regarding increased traffic and the effects on county roads.

Clint Marshall, of Washburn, was neither for or against the project, however discussed his experience with Apex and does not agree with the way they are conducting business.

Wilton H Kuehn III, of Turtle Lake, submitted written comments to the commission.

Chairperson Cottingham closed the public comment portion of the hearing and recessed the meeting at 10:08 p.m.

Chairperson Cottingham reconvened the meeting at 10:21 p.m. and opened discussion with representatives of the Discovery Wind Project to answer any questions brought up in the public comment section of the hearing.

The following representatives spoke addressing those questions and comments:

- Tschider responded to questions regarding revenue and the effects the project will have on Rainbow Energy;
- Charles Kennedy, Senior Director of Project Management for Apex Energy, answered questions in regards to the lack of a road plan and what the road plan will consist of;
- Anderson responded to questions regarding wildlife research in regards to the effects of wind farms;
- Clayton Derby, Wildlife Biologist, discussed the impacts on migratory birds;
- Stocker responded to the airport concerns; blinking light issues; end-of-life decommissioning of towers; insured the project would have a full decommissioning plan following Public Service Commission guidelines; stated that studies have not shown any negative impact to home values;
- Stocker then answered questions from Lee and Erickson regarding revenues, funding for the schools, state aid and the exact height of the towers;
- Kennedy returned to answer questions proposed by Lee regarding traffic and the number of trucks and loads that could be expected; and
- Jennie Geiger, Director of Environmental Permitting of Apex Clean Energy, responded to Erickson's questions regarding wildlife, migration patterns, and the studies that were conducted.

Moved by Lee, seconded by Suydam, to close the public hearing portion of the meeting. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Chairperson Cottingham stated there would not be any further open comments and thanked everyone for their input. Cottingham stated the decision wasn't going to be easy but the board would take everyone's comments into consideration.

Lee stated his concerns about traffic in the site area and the testimony regarding the impact on the wildlife and residents in the area. Lee stated the roads, traffic, and safety on the roads have the utmost importance to him. Lee requested a 10-minute recess.

Chairperson Cottingham recessed the meeting at 10:53 p.m.

Chairperson Cottingham reconvened the meeting at 11:04 p.m.

Lee stated after looking over testimony and information received, his concerns regarding the safety of the residents in the county, specifically those in the project area, as well as the lack of a road plan, make it very difficult for the county to consider moving forward with the project. Lee requested another short recess to allow Erickson to draft a motion.

Chairperson Cottingham recessed the meeting at 11:10 p.m.

Chairperson Cottingham reconvened the meeting at 11:31 p.m.

Moved by Lee, seconded by Suydam, to deny the use of the proposed Discovery Wind project area for zoning in wind turbines under Section 6.5.11 (1) of the McLean County Zoning Ordinances based on a material adverse impact to:

1. Landowner rights to use and enjoy their land for wildlife that will be displaced from their private land by the project;
2. No road use plan was submitted to the commission to review;
3. The project would require overweight trucks to use public roads beyond their weight capacity, and heavy trucks on some roads within the proposed project area have already been prohibited by county policy; and
4. The project area creates a flight safety concern for the Washburn Airport and crop dusters.

Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

There being no further business, the Chairperson declared the meeting adjourned at 11:34 p.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Cottingham, Chairperson

Diane L. Blumhagen, Deputy Auditor