

**VARIANCES
FROM
WIND ENERGY CONVERSION SYSTEM
SETBACK REQUIREMENTS
FROM
STATE LANDS**

Report to the Legislature

February 29, 2012

**As required by
Minnesota Statutes §216F.012**

Submitted by the Minnesota Public Utilities Commission

INTRODUCTION

Statutory Reporting Requirement

Minnesota Statutes (2010), Section 216F.012 (c) requires the Minnesota Public Utilities Commission to report annually to the Minnesota Legislature on any variances from system setback requirements from State lands which were applied for and not granted concerning wind energy projects.

This report is to fulfill the reporting requirement of this section.

Costs of Preparing Report

Pursuant to Minnesota Statutes (2010), Section 3.197, it is estimated that the costs incurred by the Minnesota Public Utilities Commission in preparing this Report are minimal. Special funding was not appropriated for the costs of preparing this report.

BACKGROUND

Minnesota Statutes (2010), Section 216F.012 provides that a wind energy conversion system with a nameplate capacity exceeding five megawatts that is proposed to be located wholly or partially within a wind access buffer adjacent to State lands which are part of the outdoor recreation system is a large wind energy conversion system. The Statute further provides that the Department of Natural Resources must negotiate in good faith with a system owner regarding siting and may support the system owner in seeking a variance from the system setback requirements if the Department determines that a variance is in the public interest.¹

The Minnesota Public Utilities Commission is required to issue an annual report to the Legislature regarding any variances applied for and not granted for systems subject to these provisions.²

COMMISSION ACTIONS

No variances were requested in 2011.

¹ Minn. Stat. § 216F.012 (b)

² Minn. Stat. § 216F.012 (c)