

March 8, 2017

ND Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

Re: Wind Facility Decommissioning Rule Changes

Commissioners and Staff:

My name is Jim Melchior. I recently retired from the coal mining industry after 42 years spending most of my career managing surface and coal properties. I now have more time to spend working on my ranch and my brother's ranch raising cattle near Almont. I'm very familiar with the responsibilities of the Commission with regard to regulating the energy industry. Thank you for the opportunity to comment on the proposed changes to the rules pertaining to wind facility decommissioning.

I have reviewed the proposed changes that I believe will help improve final reclamation of wind facilities. However, I think they fall short in a few areas. I'd like to recommend modification of a few of the proposed changes as follows:

69-09-09-05 No. 2 and 3 – The removal of cables, foundations, buildings, and ancillary equipment should be to a depth greater than two, three and four feet in order to help insure that they will not cause future harm to the surface and to those utilizing the surface after the wind industry is gone. I recommend a depth of at least eight feet which should eliminate heaving due to ground freezing and be below any fencing and structures that future owners may desire to put on the land. I realize that it may be difficult to make such a requirement retroactive, but I believe it is in the best interest of the Commission to protect future owners and users of the land from this buried waste. I would further suggest that the Commission require the facility owner to file of record against the land an Affidavit with a map showing the surveyed location and depth of all remaining waste buried on the land after decommissioning. This will help insure that future owners and users are made aware of the buried waste.

69-09-09-05 No. 4 – The owner should be required to replace both topsoil and subsoil with similar topsoil and subsoil that existed prior to disturbance similar to those placed on the coal industry.

I have a couple general recommendations when the Commission considers siting future wind facilities as follows:

1. Towers should be setback from all section line rights-of way and property lines at least 1.5 times the length of the tower with the blade fully extended. This would help protect the public and adjoining property owners from harm and damages in the event a tower would fall.

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2. The red blinking lights must be replaced with something less intrusive to those living in the area. My ranch is about twelve miles from the towers and all I see looking north during the night is red blinking lights. I'm concerned that all these towers will continue to push property values down on lands located within viewing distance of the towers both during the day and night. This isn't so bad to me, but at night, when rather than looking at the big open sky and stars, the focus is on the blinking red lights. I cannot imagine what it would be like living near the towers.

3. I commend the Commission for conducting wind facility siting hearings near the proposed sites. I encourage the Commission to give serious consideration to the concerns raised by those actually living in the area of the propose site. Those are the people that have to live with the decisions you make.

Thank you again for the opportunity to comment on the proposed rule changes. I look forward to reviewing any additional changes.

Respectfully submitted,

Jim Melchior