

Public Service Commission of Wisconsin

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September 30, 2021

Mr. Dan Litchfield, Vice President–Renewable Development
Invenergy, LLC
1 South Wacker Drive, Suite 1800
Chicago, IL 60606

Re: Application for a Certificate of Public Convenience and
Necessity of Badger Hollow Solar Farm, LLC to Construct
a Solar Electric Generation Facility, to be Located in Iowa
County, Wisconsin

9697-CE-100

Dear Mr. Litchfield:

On August 20, 2021 Badger Hollow Solar Farm, LLC (applicant) submitted a request for a minor siting change for the project the Public Service Commission (Commission) approved in its April 18, 2019 Final Decision in this docket. ([PSC REF#: 419142.](#))

As discussed in the Final Decision, the Commission may grant a request for minor project flexibility if the adjustment: (1) does not affect new landowners who have not been given proper notice and the opportunity to comment on the project; (2) does not impact new resources or cause additional impacts not discussed in the environmental assessment (EA); and (3) is agreed to by the affected landowners, with agreement affirmed in writing. ([PSC REF#: 364425.](#))

The proposed project siting changes would impact arrays that make up what is referred to as “Phase 2” or Badger Hollow II, and would not impact arrays already under construction under Phase 1 of the project. The proposed siting changes would affect the alignment and location of the boundaries of 14 solar arrays compared to how they were initially depicted in the application maps. The arrays that would be altered by this request are: A-a, A-b, C, D, E-a, H, I, J, R, S, Z, and AA. Many of the changes would reduce the area impacted by solar PV facilities in each of these arrays. The current design would not use Arrays B, G, BB, and CC, which had been shown in the application and approved by the Final Decision.

The reasons given by the applicant for the project siting changes are:

1. To minimize the amount of land used for construction.
2. To allow for installation of temporary sediment basins to manage storm water runoff.
3. To avoid areas in the previous project layout that would require larger amounts of grading or civil disturbance.
4. To avoid areas of nonregulated field drainage such as swales or ditches.

The reasons given indicate the siting changes would decrease the environmental impacts caused overall by the project.

In some areas the array fences would extend beyond the fence lines depicted in the application, but overall acreage would decrease. Arrays E-a, H, I, J, and R would have small areas where array impacts would shift out of previously mapped areas. These may be areas where the specific environmental impacts of solar array installation in a given area were not anticipated in the environmental review, as no infrastructure was depicted in the area. The impacts that would occur if the minor siting adjustment is approved in such areas, however, would be of a similar nature to those described in the EA and would only be to resources of a similar character to those described in the EA. The acreage amounts in these shifts are small as shown in the table below:

Array ID	Area Changes Outside Previous Fence Boundaries
E-a	0.004 acres
H	Two changes, one 0.001 acres, one 0.006 acres
I	Two changes, one 0.001 acres, one 1.65 acres
J	0.06 acres
R	0.001 acres

Arrays I, R, and S would have larger shifts in array layout. In these arrays, the change in acreage is greater. In one change that affects both arrays R and S, there is an increase overall in acreage impacted, which is depicted in the minor siting adjustment request as “Array R/S”. These larger shifts in acreage amounts are shown in the table below:

Array ID	Area Changes Outside Previous Fence Boundaries
I	20.34 acres
R and S	83.92 acres
S	17.91 acres

In these larger shifts of acreage, Commission staff considered whether there could have been impacts to resources not reviewed in the EA for this project. However, after Commission staff reviewed the specific areas where these arrays would extend, it was determined that the type of land that would be impacted was similar to the type of land where impacts were evaluated elsewhere; specifically, agricultural row crop land. Therefore Commission staff determined that the impacts that would likely occur if the siting adjustment is approved would be of a similar nature to those described in the EA and would only be to resources of a similar character to those described in the EA. The amount of acreage in the largest shift, approximately 84 acres, would be approximately 3.8 percent of the 2,200 agricultural land acres that were stated as needed by the project in the final decision.

The applicant provided maps and a table detailing some aspects of the proposed minor siting adjustment changes. Overall, the proposed siting adjustments would decrease the overall area where solar facilities would be constructed by approximately 342 acres in total, or approximately

260 acres if the arrays not being used at all are removed from the calculation. These equate to 15.5 or 11.8 percent decrease in impacts to the original 2,200 acres of agricultural land, respectively. The applicant does not show an increase in impacts to forested habitats, wetland habitats, or prairies as a result of these changes.

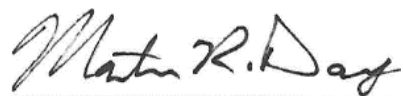
The applicant does not show an increase in impacted wetland acreage as a result of the proposed siting adjustments; therefore, no change to any Department of Natural Resources wetland or waterway permitting needs appears to be required. The proposed siting adjustments are not anticipated to impact endangered resources, historic resources, or sensitive receptors such as schools or assisted living facilities.

The applicant also states that all impacted landowners have been made aware of the proposed changes, although the easement agreements do not require landowner consent for the proposed changes. The applicant asserts it has remained in contact with the impacted landowners throughout the final engineering design of Phase II and has included landowner feedback to the extent practicable in its final engineering layouts. The changes would bring solar panels and inverters closer to residences adjacent to arrays R, R/S, and S. The nearest inverter indicated on the maps provided would be approximately 645 feet west of a residence. The applicant states that this landowner has been contacted and is supportive of the proposed changes. The applicant attempted to contact a landowner northeast of an array with changes to the layout, with no response. The changes to this array appear to be outside the area adjacent (across road) to this landowner and do not bring panels closer to the residence or place more panels around the residence.

Based on the above information, the proposed minor siting change satisfies the three criteria for the Commission to grant a request for the minor siting change. The proposed change is approved. The applicant shall ensure that the changed array layouts are incorporated into the appropriate Geographic Information System files submitted to the Commission upon receipt of this approval.

If you have any questions regarding this approval, contact Daniel Grant of Commission staff at (608) 267-1473 or Daniel.Grant@wisconsin.gov.

Sincerely,



Martin R. Day
Administrator
Division of Energy Regulation and Analysis