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**Appendix B**  
**Data Request Letters and Agency Responses**



April 5, 2007

Ms. Becky Balk  
Department of Agriculture  
625 N. Robert Street  
St. Paul, MN 55155

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Ms. Balk:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the Department of Agriculture regarding prime farmland for this project. Please advise us if there is information, requirements, or site issues that we should be aware of. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads "Andrea Moffatt".

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

U.S. Fish and Wildlife Service  
4101 80<sup>th</sup> Street East  
Bloomington, MN 55425

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

To Whom It May Concern:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the US Fish and Wildlife Service regarding wildlife and habitat for this project. Please advise us if there is information, requirements, or site issues that we should be aware of. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads "Andrea Moffatt".

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Mr. Corey Hanson  
Department of Natural Resources  
2300 Silver Creek Road NE  
Rochester, MN 55906

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Mr. Hanson:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the DNR regarding wetlands, flooding, or significant habitat for this project. Please advise us if there is information, requirements, or site issues that we should be aware of. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in black ink that reads "Andrea Moffatt". The signature is written in a cursive, flowing style.

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Mr. Steve Colvin  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Mr. Colvin:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the DNR regarding wetlands, flooding, or significant habitat for this project. Please advise us if there is information, requirements, or site issues that we should be aware of. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads 'Andrea Moffatt'.

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Ms. Bev Nordby  
Mower County Soil and Water Conservation District  
1408 21<sup>st</sup> Ave NW Suite 2  
Austin, MN 55912

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Ms. Nordby:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the SWCD regarding wetlands, soils, prime farmland or other environmental issues for this project. Please advise us if there is information, requirements, or site issues that we should be aware of other than information from the County Soil Survey. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads "Andrea Moffatt".

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Mr. Robert Whiting  
US Corps of Engineers  
190 5<sup>th</sup> Street East  
St. Paul, MN 55101

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Mr. Whiting:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the US Corps of Engineers regarding wetlands or flooding issues for this project. Please advise us if there is information, requirements, or site issues that we should be aware of other than the Section 404 requirements of the Clean Water Act. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads "Andrea Moffatt".

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Mr. Dave Studenski  
US Corps of Engineers  
190 5<sup>th</sup> Street East  
St. Paul, MN 55101

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Mr. Studenski:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow in Mower County (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the US Corps of Engineers regarding wetlands or flooding issues for this project. Please advise us if there is information, requirements, or site issues that we should be aware of other than the Section 404 requirements of the Clean Water Act. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in black ink that reads 'Andrea Moffatt'.

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation



April 5, 2007

Mr. Daryl Franklin  
Mower County Planning and Zoning  
1105 1/2 8<sup>th</sup> Avenue NE  
Austin, MN 55912

Re: Wapsipinicon Wind Farm  
WSB Project No. 1739-00

Dear Mr. Franklin:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Wapsipinicon Wind Farm near Dexter and Grand Meadow (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the County regarding planning and zoning issues for this project. We have obtained the Wind Energy ordinance from your website, but also wanted to contact you to see if there was other information, requirements, or site issues that we should be aware of. Please mail, email, or call me with any information or questions you may have at (763)287-7196 or [amoffatt@wsbeng.com](mailto:amoffatt@wsbeng.com).

Sincerely,

*WSB & Associates, Inc.*

A handwritten signature in cursive script that reads 'Andrea Moffatt'.

Andrea Moffatt, PWS  
Senior Environmental Scientist

Attachments

cc: Ian Krygowski, enXco Development Corporation

APR 27 2007



**DEPARTMENT OF THE ARMY**  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

WSB & Associates

April 25, 2007

Operations  
Regulatory (2007-1810-DAS)

Ms. Andrea Moffatt  
WSB & Associates, Inc.  
701 Xenia Avenue South, Suite 300  
Minneapolis, Minnesota 55416

Dear Ms. Moffatt:

This letter responds to your request for comments about a project of enXco Development Corporation to construct a Wind Farm near Dexter and Grand Meadow, Minnesota. The project site is in Sec. 24-25, and 36, T. 104N, R.16W; Sec. 19-21, and 28-33, T. 104N, R.15W; Sec. 1, 12, 24-26, and 35-36, T. 103N, R.16W; Sec. 5-9, 17-21, and 27-34, T. 103N, R.15W; Sec. 1-2, T. 102N, R.16W; and Sec. 4-6, T. 102N, R.15W, Mower County, Minnesota.

The placement of aerial lines that cross-navigable waters of the U.S. requires authorization under Section 10 of the Rivers and Harbors Act.

Underground utility lines through waters of the U.S., including wetlands, as well as navigable waters of the U. S. are regulated under Section 404 of the Clean Water Act if there is a discharge of dredged or fill material. Any discharge would require authorization by a general permit or letter of permission.

Underground lines installed by vibratory plow and directional bore method through waters of the U.S., including wetlands, do not involve a discharge and a permit is not required. However, if installation of connecting points requires excavation and backfill in waters of the U.S., including wetlands, a permit would be required.

The placement of poles, overhead wiring, and/or buried wiring at upland locations is not within the jurisdiction of the Corps of Engineers, provided the work does not involve the placement of dredged or fill material into any water body or wetland.

Temporary placement of fill material into any water body or wetland for purposes such as bypass roads, temporary stream crossings, cofferdam construction, or storage sites may require a Department of the Army permit.

If any of the proposed projects would involve the placement of fill material, either permanent or temporary, please notify our office.

Without detailed construction plans, we cannot provide specific comments regarding the effects that the proposed activity would have on watercourse flood stages. It has been our experience that underground and overhead utility construction has negligible effects on flood stages, provided excess construction material is removed from the floodplain and additional care is taken not to disturb its hydraulic characteristics.

You may also need city, county, or State permits for the project. You should contact the appropriate agencies for their permit requirements. If the project includes the placement of dredged or fill material in a Federal regulated water body, we will notify the responsible State agency for water quality (401) certification.

You should also contact the State Historical Preservation Officer (SHPO) to determine if there are any known historic or archeological sites in the area or if any cultural resource survey would be required.

If you have any questions, contact Dave Studenski in our La Crescent Field office at (507) 895-2064. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



 Robert J. Whiting  
Chief, Regulatory Branch



## Minnesota Department of Natural Resources

261 Highway 15 South  
New Ulm, MN 56073

APR 18 2007

WSB & Associates

April 17, 2007

Andrea Moffatt  
WSB & Associates  
701 Xenia Avenue South  
Suite 300  
Minneapolis, MN 55416

Re: Wapsipinicon Wind Farm

Dear Mrs. Moffatt:

The Minnesota Department of Natural Resources (DNR) has reviewed the proposed wind power site for enXco Development Corporation. We offer the following recommendation.

In considering other wind power projects in the immediate area it would appear this project could have related utilities and roads that could cross or impact waters, streams or wetlands. Underground utility lines through waters of the U.S., are regulated under Section 404 of the Clean Water Act if there is discharge of fill or dredge material a general permit or letter of permission would be required from the U.S. Army Corps of Engineers.

Any potential wetland crossing or related project impacts would involve the Wetland Conservation Act (WCA). Potential wetland impacts that may occur will require delineation and mitigation. It is recommended that you contact Dave Peterson, Board Conservationist with the Board of Water and Soil Resources at 507-280-2874 to discuss WCA implications of this project.

Under Minnesota Statute 103G.2455, Subdivision 1, a public or private corporation, or a person, must have a DNR Public Waters Work Permit to construct, reconstruct, remove, abandon, transfer ownership of, or make any change in a reservoir, dam, or waterway obstruction on public waters; or change or diminish the course, current, or cross section of public waters, entirely or partially within the state, by any means, including filling, excavating, or placing of materials in or on the beds of public waters. Because the proposed project may cross public waters of the state, we recommend you contact DNR area hydrologist Cory Hansen in Rochester office at 507-285-7423 to determine if a DNR permit will be needed.

Minnesota Statute 84.415 requires that a DNR license be obtained for the passage of any utility over, under or across any state land or public waters. Public waters are any water bodies (lakes, rivers and some wetlands) identified as such on the Public Waters and Wetlands Maps. Public waters are designated as such to indicate which lakes, wetlands, and watercourses over which DNR Waters has regulatory jurisdiction. After your project review with the area hydrologist you will have determined if a public waters crossing license is needed. A crossing license application can be downloaded through DNR Lands and Minerals website at [http://www.dnr.state.mn.us/permits/utility\\_crossing/index.html](http://www.dnr.state.mn.us/permits/utility_crossing/index.html)

Questions regarding licensing requirements should be directed to Cheryl Kelley-Dobie in the New Ulm Regional office at 507-359-6070.

We recommend a Minnesota Natural Heritage Information System Data Request review of the proposed project area. The Natural Heritage and Nongame Research Program collects, manages, and interprets information about nongame animals, native plants and plant communities to promote the wise stewardship of these resources. Natural Heritage Programs or their equivalents now exist in all 50 states as well as in a number of Canadian provinces and Latin American countries. All programs use similar methodologies to collect and manage information, allowing pooling of data for conservation planning across geopolitical boundaries. Additional information about the Natural Heritage & Nongame Research Program is available at [http://www.dnr.state.mn.us/ecological\\_services/nhnrp/index.html](http://www.dnr.state.mn.us/ecological_services/nhnrp/index.html)  
An electronic copy of the application form is available at [http://files.dnr.state.mn.us/ecological\\_services/nhnrp/nhis\\_data\\_request.pdf](http://files.dnr.state.mn.us/ecological_services/nhnrp/nhis_data_request.pdf)

In addition, you may require city or county permits for this project. Please contact the appropriate local government units for specific requirements. It is also recommend you contact the State Historical Preservation Officer (SHPO) to determine if there are any known historical, archeological or cultural resources that could be impacted by the project.

Thank you for the opportunity to review this project and provide early coordination comments.

Sincerely,



Todd Kolander  
Regional Environmental Ecologist

ERDB 20070696

Cc. Cory Hanson  
Cheryl Kelley-Dobie



# Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 Fax: (651) 296-1811 E-mail: lisa.joyal@dnr.state.mn.us

May 25, 2007

Ms. Andi Moffatt  
WSB & Associates, Inc.  
701 Xenia Avenue South  
Minneapolis, MN 55416

Re: Request for Natural Heritage information for vicinity of proposed Wapsipinicon Wind Farm, Mower County

NHNRP Contact #: ERDB 20070696-0002

Dear Ms. Moffatt,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 3 known records of rare species in the area searched (for details, please see the enclosed database printouts and the explanation of selected fields). Following are specific comments for **only those elements that may be impacted** by the proposed project. Rare feature occurrences not listed below are not anticipated to be affected by the proposed project.

- Wild Quinine (*Parthenium integrifolium*), a state-listed endangered plant, was documented in 1979 in a prairie remnant along the railroad right-of-way in T103N R15W Section 19. Valerian (*Valeriana edulis ssp. ciliata*), a state-listed threatened plant, has also been documented within a railroad right-of-way just outside the project area. Because Mower County has not yet been surveyed by the Minnesota County Biological Survey Program, there may be additional native prairie remnants near or within the project site that have not been identified. We recommend that all sites slated for development, including access roads and transmission lines, be surveyed by a qualified botanist or plant ecologist to determine if any prairie remnants exist on the site. We are especially concerned about potential prairie remnants in Sections 17 & 20 of T103N R15W. If prairie does exist, we recommend that towers not be placed on or within at least ¼ mile, and preferably ½ mile, of native prairie tracts. Please provide us with copies of any survey reports/prairie management plans that are prepared for this site.

If prairie remnants cannot be avoided, a botanical survey for protected plant species will be needed. Please note that all surveys must be conducted by an individual with previous experience doing rare plant surveys. I have enclosed a list of qualified contractors for your reference. If you would like to select a contractor that is not on this list, the DNR's Natural Heritage and Nongame Research Program will need to review and approve their qualifications prior to any survey work. In either case, a survey plan should be sent to my attention for approval by our staff botanist. Please feel free to contact Welby Smith, the staff botanist, at 651-259-5142 for further information on survey protocol and timing. Results of all survey work should also be sent to my attention.

If it is determined that the project will impact any species listed as either endangered or

threatened, you will need to contact Rich Baker, Supervisor of the Natural Heritage and Nongame Research Program, at (651) 259-5073 to discuss the endangered species permitting process. Minnesota's endangered species law (MS 84.0895) and associated rules (Chapter 6212.1800 -6212.2300 and 6134) prohibit taking, importing, transporting, or selling endangered or threatened plants or animals, including their parts or seeds, without a permit. For plants, taking includes picking, digging, or destroying. I have enclosed some additional information on the permitting process for your reference.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, but has not been completed for Mower County. Therefore ecologically significant features for which we have no records may exist on the project area.

The enclosed results of the database search are provided in two formats: short record report and long record report. To control the release of locational information, which might result in the damage or destruction of a rare element, both printout formats are copyrighted.

The short record report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an Environmental Assessment Worksheet, municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the short record report for any other purpose, please contact me to request written permission. **The long record report includes more detailed locational information, and is for your personal use only. If you wish to reprint the long record report for any purpose, please contact me to request written permission.**

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other natural resource-related issues, you may contact your Regional Environmental Assessment Ecologist, Todd Kolander, at (507) 359-6073.

An invoice in the amount of \$119.58 will be mailed to you under separate cover within two weeks of the date of this letter. You are being billed for map and database search and staff scientist review. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,



Lisa Joyal  
Endangered Species Environmental Review Coordinator

encl: Database search results  
Rare Feature Database Print-Outs: An Explanation of Fields  
List of Contractors  
Permitting Process

cc: Todd Kolander

Minnesota Natural Heritage & Nongame Research Program  
 Short Record Report of Element Occurrences within 1 mile radius of:  
 Wapsipinicon Wind Farm  
 Multiple TRS  
 Mower County

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date
<b>Fillmore, Mower County, MN</b>					
<u>Lasnigona compressa</u> (Creek Heelsplitter) #259					
Location Description: T103N R14W S30, T103N R14W S22, T103N R14W S20, T103N R15W S25, T103N R13W S17, T103N R14W S13, T103N R14W S21, T103N R15W S35					
<b>Mower County, MN</b>					
<u>Parthenium integrifolium</u> (Wild Quinine) #3					
Location Description: T103N R15W S19					
<u>Valeriana edulis</u> ssp. <u>ciliata</u> (Valerian) #1					
Location Description: T103N R16W S16, T103N R16W S17, T103N R16W S15, T103N R17W S11, T103N R17W S12, T103N R17W S10, T103N R17W S13, T103N R16W S18, T103N R16W S14					

Records Printed = 3

## State of Minnesota Endangered Species Permits

Minnesota's endangered species law (MS 84.0895) and associated rules (Chapter 6212.1800 - 6212.2300 and 6134) impose a variety of restrictions, a permit program, and several exemptions pertaining to species designated as endangered or threatened. The current list of species designated under MS 84.0895 can be found at [http://files.dnr.state.mn.us/natural\\_resources/ets/endlist.pdf](http://files.dnr.state.mn.us/natural_resources/ets/endlist.pdf). The law and rules prohibit taking, purchasing, importing, possessing, transporting, or selling endangered or threatened plant or animal, including their parts or seeds, without a permit. For animals, taking includes pursuing, capturing, or killing. For plants, taking includes picking, digging, or destroying. The law and rules specify conditions under which the Commissioner of the Department of Natural Resources may issue permits to allow taking and possession of endangered or threatened species. In order to understand all regulations pertaining to species that are designated as endangered, threatened or species of special concern, persons are advised to read the full text of the law and rules, which can be accessed at <http://www.leg.state.mn.us/leg/statutes.htm>.

### PERMITS

Permits may be issued for taking only under certain conditions:

- for scientific study,
- for educational programs,
- to enhance propagation or survival of the species,
- to prevent injury to people or property, or
- when the social and economic benefit of the taking outweigh the harm caused by it.

Permitting decisions must be consistent with the intent of the law, which is to retain or restore healthy populations of native plants and animals. The responsibility for making permitting decisions has been delegated by the Commissioner to the Division of Ecological Services. **Permit issuance is discretionary and based on DNR's assessment of all relevant information.**

Some species listed under Minnesota law are also listed under the Federal Endangered Species Act. If species that are federally listed as endangered or threatened are to be taken, the USFWS should be contacted at 612/725-3276, ext. 250 or see <http://www.fws.gov/endangered/esasum.html>.

### APPLYING FOR PERMITS

Permit requests must be submitted in writing to:

Minnesota Department of Natural Resources  
Attn. Endangered Species Permits  
500 Lafayette Rd., Box 25  
St. Paul, MN 55155.

For species to be taken from the wild in Minnesota, the applicant must document the **justification for the taking, location, species, number of individuals** to be taken or possessed, that there are **no feasible alternatives to the taking**, and provide assurance that **the taking will not negatively affect the species' status in Minnesota**.

**When taking is proposed in connection with a scientific study**, the request must be accompanied by a research proposal that outlines the **justification, methodology** (including the **species and number of individuals** to be taken), the **location** of the project, and the **qualifications** of the researcher. If the research is judged to provide important information about the species that will foster its conservation, the researcher is qualified to do the work, and the proposed taking will not have a significant negative effect on the species population in the state, a permit may be issued. Permits will specify that final disposition of specimens acquired for the purposes of scientific study is to the University of Minnesota Bell Museum of Natural History. Alternative repositories may be considered if compelling justification is provided.

**For permits to possess living or dead specimens for scientific or educational purposes**, the request must indicate that the permittee is **currently conducting scientific or educational programs** in the field of biology or natural history, and that they or their institution **have appropriate and adequate facilities for the care**,

**exhibition, or storage of the particular species** that are sought to be taken, acquired or possessed. The request must also indicate the **proposed source of the specimens**, and for specimens to be acquired from a secondary source, **documentation that they were legally acquired**. For **possession of living specimens**, the request must indicate the **qualifications and experience of the person(s) who will be caring for the species**, and demonstrate an **understanding of the specific needs of the species**, and how they will be met.

Requests for **permits for propagation** must be accompanied by a project proposal that outlines the **justification, methodology** (including the **species and number of individuals or their parts or propagules** to be taken), the **locations** of both the proposed collection and propagation facilities, and the **qualifications** of the permittee relevant to propagation of endangered or threatened species. The proposal should also describe in detail the **methods of propagation and conditions under which it will occur**, and plans for **disposition of offspring** propagated under the permit. If offspring are to be released into the wild, the proposal must include **coordinates of locations for release, quantitative information about pre-release habitat and species populations at the release site, a risk analysis** of potential negative effects on habitat and species populations at the release site, and a **post-release monitoring plan** for evaluating both the target species populations, and the health of the community into which the release is done. Permits for propagation for conservation purposes will be considered only when the proposal provides convincing justification that propagation is required for the recovery of the species, the protocol is judged to be appropriate, and the permittee is qualified to do the work.

**When taking is proposed in connection with a development project**, the request can be in the form of a letter that outlines the **nature of the project**, the **location** and the **species and number of individuals** that would be taken. Before a permit can be issued, **the project proposer is asked to explore project alternatives**, including other locations or designs, which would avoid or minimize taking.

## **MITIGATION**

**If it is determined that there are no feasible alternatives to taking in connection with a development project**, the applicant must propose compensatory mitigation to reduce the impact of the taking to an acceptable level. The magnitude of the compensation required is related to the degree of impact on the species, (for example, will the whole population at a site be destroyed, or just a few individuals?), and also to the statewide significance of the population on the site. Examples of types of compensatory mitigation that have been done for taking endangered or threatened species in Minnesota include:

- funding state acquisition of another site where the species occurs that is currently unprotected and vulnerable to destruction,
- funding additional survey work to locate other sites, and/or
- funding research to improve our understanding of the habitat requirements or protection needs of the species.

**Transplantation generally has not been considered by MNDNR to be acceptable mitigation** for taking of endangered or threatened species for several reasons. First, conservation of species in their native habitats is our first priority. Transplantation into an artificial habitat is not a sustainable strategy for native plant and animal conservation. Second, it is necessary to understand the life history, habitat requirements, and genetic structure of natural populations in order to determine the feasibility and advisability of transplantation. This information is unknown for most rare species, and acquiring it is the responsibility of the applicant. Third, transplantation may have unanticipated effects on other organisms on the new site through disturbance or competition. Finally, it would be necessary to establish the species on the new site and monitor it for several years to determine whether the species survived and persisted on the new site before taking on the project site could proceed. Most project proposers are not willing or able to defer their projects to determine the success of such an experiment.

**For further information contact: Rich Baker** at 651-259-5073, or [rich.baker@dnr.state.mn.us](mailto:rich.baker@dnr.state.mn.us)

## Andrea Moffatt

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**From:** Corey Hanson [Corey.Hanson@dnr.state.mn.us]  
**Sent:** Friday, April 20, 2007 2:06 PM  
**To:** Andrea Moffatt  
**Subject:** Wapsipinicom Wind Farm

Andrea,

If any part of the project includes proposed crossing of Public watercourses or any work below the Ordinary High Water (OHW) level, a permit from DNR Waters will be required. You should contact Mower County Zoning administrator Darly Franlin for floodplain questions and the Mower County SWCD for wetland issues. Let me know if you need additional info at this time.

Corey Hanson  
Area Hydrologist  
DNR Waters  
(507) 285-7423  
corey.hanson@dnr.state.mn.us