

# **Appendix A**

## **C-BED Information**

**LINCOLN COUNTY BOARD OF COMMISSIONERS  
RESOLUTION #ACKNOWLEDGING SUPPORT FOR COMMUNITY-BASED  
ENERGY DEVELOPMENT STATUS FOR SMALL SCALE  
WIND PROJECT**

January 3, 2006

WHEREAS, it is the policy of the State of Minnesota to foster Community-Based Energy Development (C-BED) projects;

WHEREAS, Minnesota Statutes § 216B.1612, subd. 2(D)(3) requires a resolution of support by the local county Board of Commissioners in each county in which a project is to be located;

WHEREAS, 15 individual and separate projects will be developed by 15 Minnesota limited liability companies known as Community Wind North 1 LLC, Community Wind North 2 LLC, Community Wind North 3 LLC, Community Wind North 4 LLC, Community Wind North 5 LLC, Community Wind North 6 LLC, Community Wind North 7 LLC, Community Wind North 8 LLC, Community Wind North 9 LLC, Community Wind North 10 LLC, Community Wind North 11 LLC, Community Wind North 12 LLC, Community Wind North 13 LLC, Community Wind North 14 LLC and Community Wind North 15 LLC and have requested a resolution of support for a proposed wind energy project in Verdi Township, Lincoln County, Minnesota;

WHEREAS, the projects are being developed by Minnesota limited liability companies organized by Minnesota residents;

WHEREAS, the project calls for the development of up to 30 megawatts of wind energy to be produced by 15 turbines; and

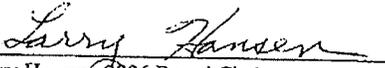
WHEREAS, the projects are structured to ensure that a majority of the financial benefit of the projects accrue the local owner of each project.

NOW, THEREFORE, BE IT:

RESOLVED, that the Lincoln County Board of Commissioner hereby indicates its support for the development of the projects as a C-BED project in Verdi Township.

RESOLVED, that nothing in this resolution shall be construed to waive or amend any necessary federal, state or local permits or approvals required prior to construction of said projects.

Unanimously approved by the Lincoln County Board of Commissioners this 3rd day of January, 2006.

  
Larry Hansen, 2006 Board Chair

ATTEST:  
  
Kathy Schreurs, Auditor

# Rural Minnesota Energy Board

2401 Broadway Ave Suite 1 Slayton, MN 56172 507/836-8547	Jack Keers, Brian Kletscher, Ken Holme, Larry Hansen,	Chair Vice Chair Secretary Treasurer	Blue Earth Cottonwood Faribault Jackson Lincoln	Lyon Martin Mower Murray Nobles	Pipestone Redwood Renville Rock Watonwan
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## RESOLUTION #05 - 2005

### RURAL MINNESOTA ENERGY BOARD

By Order of the Minnesota Public Utilities Commission dated March 11, 2003 (Docket No. E-002/CN-01-1958)(the "Order"), the Rural Minnesota Energy Task Force, now the Rural Minnesota Energy Board ("RMEB"), was given the authority and responsibility to define "small locally owned projects" under paragraph 6 of the Minnesota Public Utilities Commission's Order. (Order dated March 11, 2003 page 24 at ¶ 6).

On August 25, 2003 the RMEB defined the terms as follows:

1. "Locally-owned" is defined as ownership of a small scale wind generation facility by an individual or entity who is subject to Minnesota property tax or Minnesota income tax payment and whose facility is located in a county in which the Buffalo Ridge is located. The counties within which the Buffalo Ridge is located are Lincoln, Pipestone, Murray and Nobles.
2. "Small" is defined as any individual or entity that qualifies under Minnesota Statute 216C.41 known as the Renewable Energy Production Incentive as described in whole in subdivisions 1, 2, 3, 4 and 5; and as further defined in the Minnesota Department of Commerce Renewable Energy Production Incentive Eligibility Application for Small Business-Owned Wind Conversion Facilities- valid as of August 18, 2003.

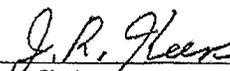
(RMEB Minutes dated August 25, 2003).

As a result of the Order and the definition adopted by the RMEB, two 30 megawatt projects named Community Wind North, LLC ("CWN") and Community Wind South, LLC ("CWS") were started. These entities now seek approval as "small locally owned projects".

The Commission found that "there is strong evidence that local ownership of new wind generation will provide substantially greater benefit to southwestern Minnesota than outside ownership." (Order dated March 11, 2003 page 20). The Commission also found that the "1996 study, Economic Impact Analysis of Windpower Development in Southwest Minnesota concluded that economic development from wind may be ten times greater if the new generation is locally owned and financed." (Order Dated March 11, 2003 at page 20). As a result, the Commission found that "Xcel must build the Fenton and Yankee Substations on Buffalo Ridge as soon as 30-40 megawatts or more of viable, small, locally owned wind generators are aggregated per substation, using the Rural Minnesota Energy Task Force's definition of "small locally owned projects." (Order dated March 11, 2003 at page 20).

Based on the statements made and documents presented by CWN and CWS, the RMEB finds that CWN and CWS meet the definition of "small locally owned projects" under the PUC Order dated March 11, 2003.

Dated: December 14, 2005

  
Chairman

# **Appendix B**

## **Lincoln County Permits**

The applicant sought and obtained permits from Lincoln County for each of the fifteen (15) wind turbines. An example of a county permit and reissued permit are included in this Appendix.

<b>Permit #</b>	<b>Applicant Name</b>	<b>Date of Issue</b>	<b>Date of Reissue</b>
LC-0707	Community Wind North 1	2/16/2006	12/1/2007
LC-0708	Community Wind North 2	2/16/2006	12/1/2007
LC-0709	Community Wind North 3	2/16/2006	12/1/2007
LC-0710	Community Wind North 4	2/16/2006	12/1/2007
LC-0711	Community Wind North 5	2/16/2006	12/1/2007
LC-0712	Community Wind North 6	2/16/2006	12/1/2007
LC-0713	Community Wind North 7	2/16/2006	12/1/2007
LC-0714	Community Wind North 8	2/16/2006	12/1/2007
LC-0715	Community Wind North 9	2/16/2006	12/1/2007
LC-0716	Community Wind North 10	2/16/2006	12/1/2007
LC-0717	Community Wind North 11	2/16/2006	12/1/2007
LC-0718	Community Wind North 12	2/16/2006	12/1/2007
LC-0719	Community Wind North 13	2/16/2006	12/1/2007
LC-0720	Community Wind North 14	2/16/2006	12/1/2007
LC-0721	Community Wind North 15	2/16/2006	12/1/2007

Parcel #: 15-0030-000

# LAND USE PERMIT

LINCOLN COUNTY ENVIRONMENTAL OFFICE

P.O. Box 66 - 402 N. Harold Street

Ivanhoe, MN 56142

Phone No. (507) 694-1344

Fax No. (507) 694-1341

## APPLICANT / OWNER INFORMATION

Date:

2/16/2006

Permit #: LC-0707

Applicant Last Name: Community Wind North 1 LLC

First Name:

Phone #:

507-694-1552

Address: PO Box 46

City: Ivanhoe

State: MN

Zip Code: 56142

Owner Last Name: Trigg

Owner First Name: David

Owner Address: RR 2 Box 117

Owner City: Elkton

Owner State: SD

Owner Zip: 57026

## LEGAL INFORMATION AND LOCATION

Lot No:

Block No:

0

Subdivision Name:

Township Name: Verdi

Quarter: NE1/4

Section: 7

Township No: 109

Range: 46

Description:

District Type:  Rural

Floodplain

Shoreland

Urban Exp

Bus Ind

Shoreland Lake/River Name:

Lake/River No:

Classification:

Type of Use:  Ag

Commercial

Industrial

Residential

Recreational

Class of Work:  New

Addition/Improvement

Size/Height: 2 megawatt

Estimated Cost:

\$2,900,000.00

Description of Use: Suzlon S88 Wind Conversion Unit; 2 mega watt; 80 meter tower; 88 meter blades

## SETBACKS / MISCELLANEOUS INFORMATION

Road Right of Way Setback: 300'

Floodplain Setback:

Lakeshore Setback:

River Setback:

Other Setback:

Variance

Conditional Use Permit Needed

Waiver Used

Dwelling/Septic Permit

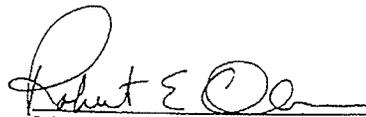
List Conditions:

PLEASE TAKE NOTE that this office will not conduct on-site inspections for verification for those applications which show a setback of 200 feet or more. This office reserves all legal rights and remedies for the enforcement of compliance with the Lincoln County Comprehensive Development Ordinance as of January 1, 2001. Accordingly, in the event an application is found, after compliance and approval of the application, to be in error as to setbacks or otherwise, this office shall commence proceedings to obtain compliance. Permission is hereby granted to the above named applicant to perform the work described in the application. This permit is valid for a period of twelve (12) months.

Permit Fee: \$1,000.00

License Fee: \$0.00

CUP Fees: \$10.00



Robert E. Olsen, Administrator  
Lincoln County Environmental Office

Parcel #: 15-0030-000

# LAND USE PERMIT

LINCOLN COUNTY ENVIRONMENTAL OFFICE  
P.O. Box 66 - 402 N. Harold Street  
Ivanhoe, MN 56142  
Phone No. (507) 694-1344  
Fax No. (507) 694-1341

## APPLICANT / OWNER INFORMATION

Date: 12/1/2007

Permit #: LC-0707

Applicant Last Name: Community Wind North 1 LLC

First Name:

Phone #: 507-694-1552

Address: PO Box 46

City: Ivanhoe

State: MN Zip Code: 56142

Owner Last Name: Trigg

Owner First Name: David

Owner Address: RR 2 Box 117

Owner City: Elkton

Owner State: SD Owner Zip: 57026

## LEGAL INFORMATION AND LOCATION

Lot No: Block No: 0 Subdivision Name:  
Township Name: Verdi Quarter: NE1/4 Section: 7 Township No: 109 Range: 46

Description:

District Type:  Rural  Floodplain  Shoreland  Urban Exp  Bus Ind

Shoreland Lake/River Name:

Lake/River No:

Classification:

Type of Use:  Ag  Commercial  Industrial  Residential  Recreational

Class of Work:  New  Addition/Improvement

Size/Height: 2 megawatt

Estimated Cost: \$2,900,000.00

Description of Use: Suzlon S88 Wind Conversion Unit; 2 mega watt; 80 meter tower; 88 meter blades

## SETBACKS / MISCELLANEOUS INFORMATION

Road Right of Way Setback: 300'

Floodplain Setback:

Lakeshore Setback:

River Setback:

Other Setback:

Variance  Conditional Use Permit Needed  Waiver Used  Dwelling/Septic Permit

List Conditions:

PLEASE TAKE NOTE that this office will not conduct on-site inspections for verification for those applications which show a setback of 200 feet or more. This office reserves all legal rights and remedies for the enforcement of compliance with the Lincoln County Comprehensive Development Ordinance as of January 1, 2001. Accordingly, in the event an application is found, after compliance and approval of the application, to be in error as to setbacks or otherwise, this office shall commence proceedings to obtain compliance. Permission is hereby granted to the above named applicant to perform the work described in the application. This permit is valid for a period of twelve (12) months.

Permit Fee: \$100.00

Variance Fee: \$0.00

CUP Fees:



Robert E. Oisen, Administrator  
Lincoln County Environmental Office

# **Appendix C**

## **Project Layout**



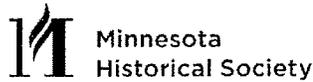
- Legend**
- Proposed Turbine Locations
  - Y Proposed Meteorological Tower Location
  - Existing Collection Substation
  - Proposed Collection Lines
    - Collection Circuit A
    - Collection Circuit B
  - Proposed Access Road
  - Development Area Boundary

0 1000 2000 4000 Feet  
 0 1000 2000 Meters  
 Prepared by: [unreadable]  
 Date: [unreadable]  
 Project: [unreadable]

**COMMUNITY WIND NORTH**  
**Appendix C**  
**Community Wind North**  
**Project Layout**

# **Appendix D**

## **Historical and Tribal Consultations and Correspondence**



**STATE HISTORIC PRESERVATION OFFICE**

December 23, 2008

Mr. Kevin Walli  
Fryberger, Buchanan, Smith & Frederick  
332 Minnesota Street, Suite W-1260  
St. Paul, MN 55101

RE: Construction of 15 wind turbines  
Verdi Twp., Lincoln County  
SHPO Number: 2005-2044

Dear Mr. Walli:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

We are in receipt of your letter of 11 December 2008. We have reviewed the additional location for some of the turbines. Based on this and other available information, we conclude that **no properties** eligible for or listed on the National Register of Historic Places will be affected by this project.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in cursive script that reads 'Britta L. Bloomberg'.

Britta L. Bloomberg  
Deputy State Historic Preservation Officer

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

THE FIRST NATIONAL BANK BUILDING  
332 MINNESOTA ST. SUITE WEST  
1260  
ST. PAUL, MINNESOTA 55101  
TELEPHONE (651) 221-1044  
FAX (651) 221-1035

**DULUTH OFFICE**

SUITE 700  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX (218) 725-6800

December 11, 2009

Dennis Gimmestad  
Government Programs and Compliance Office  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. West  
St. Paul, MN 55102

Dear Mr. Gimmestad:

On May 5, 2005 and again on August 15, 2008, our firm wrote to you on behalf of developers of a wind powered electric generation facility in Verdi Township, Lincoln County who are working to develop a 30 megawatt wind farm – which will involve the installation of fifteen (15) 2.0 MW turbines. The project is seeking State Historic Preservation Office review for information regarding impacts on historic sites. The original request was in compliance with provisions of the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program calls for the project to secure a letter indicating whether historic or culturally sensitive resources are present at the project site.

This information was requested and received for the property on which the wind turbines were to have been located. The more recent confirmation that “no properties” of historic significance are present was issued on September 5, 2008. (See attached letter from Ms. Britta L. Bloomberg.)

In recent weeks, there has been a modest adjustment to the project site which involves moving up to three of the turbines to property immediately south of the site which was previously examined. A map indicating the original project site and the newly-identified adjacent properties which must also be examined is attached for your consideration. In addition, we are forwarding the legal descriptions of the original properties as Exhibit A and the legal descriptions of the newly-identified properties as Exhibit B to this correspondence.

The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide a response regarding impacts on historic or culturally sensitive resources would be greatly appreciated.

Sincerely,



Kevin Walli

KW/kmd  
Attachments



September 5, 2008

Mr. Kevin Wall  
Fryberger, Buchanan, Smith & Frederick  
332 Minnesota Street, Suite W-1280  
St. Paul, MN 55101

RE: Construction of 15 wind turbines  
Verdi Twp., Lincoln County  
SHPO Number: 2005-2044

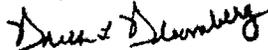
Dear Mr. Wall:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

We are in receipt of your letter of 15 August 2008. We have reviewed this submittal and find that, based on available information, we conclude that our earlier finding (letter of 13 June 2005) of no properties remains valid.

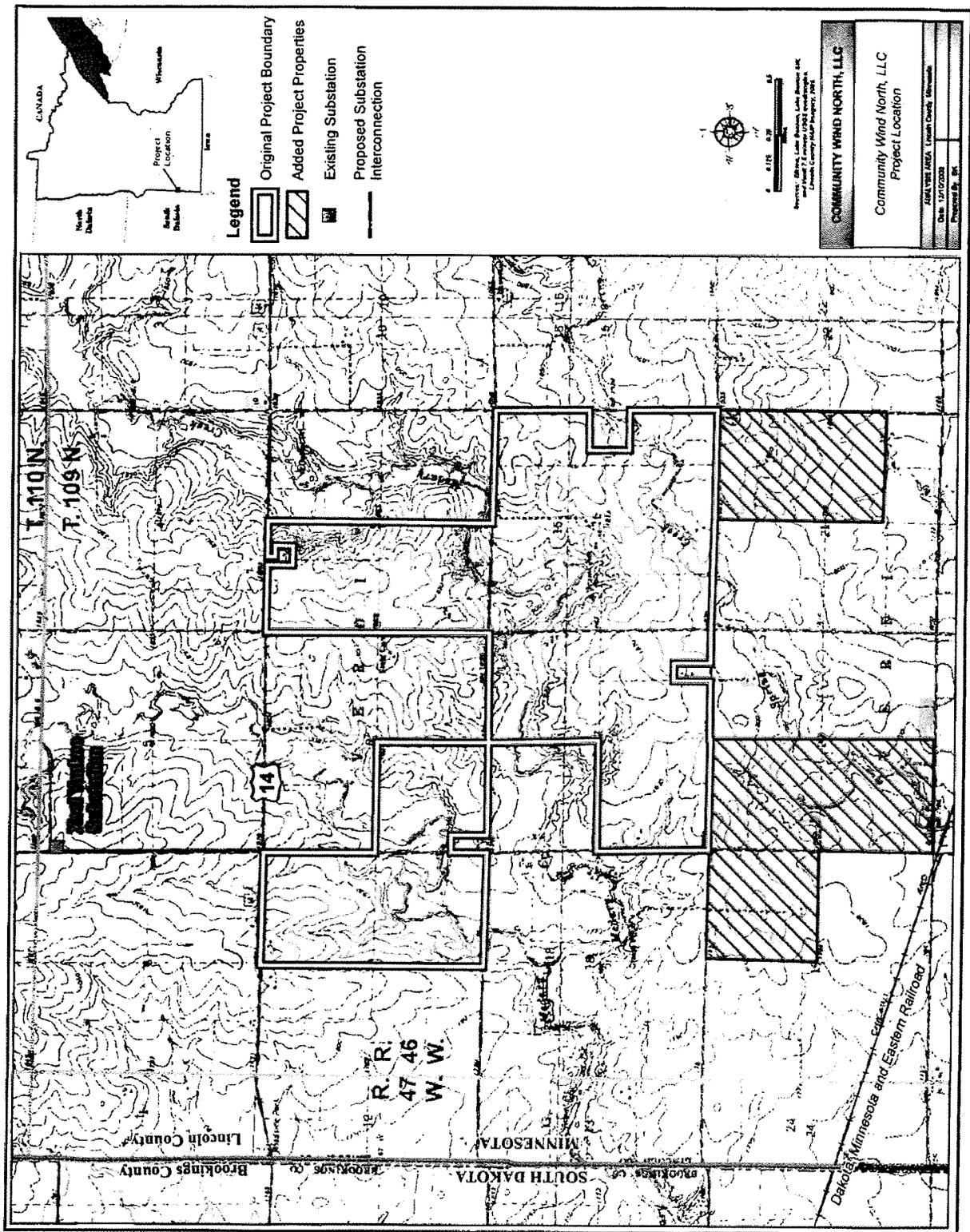
Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,



Britta L. Bloomberg  
Deputy State Historic Preservation Officer

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102  
651-259-3000 • 888-727-8386 • www.mnhs.org



## **Attachment A**

### **Legal Descriptions**

1. The Northwest Quarter (NE1/4) of Section Nine (9) in Township 109 North, Range 46 West and The Southwest Quarter (SE1/4) of Section Nine (9) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
2. The East Half of the Southwest Quarter (E1/2SW1/4) and the West Half of the Southeast Quarter (E1/2SE1/4) of Section Sixteen (16) Township 109 North, Range 46 West and East Half of the Northeast Quarter (E1/2NE1/4) and the East Half of the Southeast Quarter (E1/2SE1/4) of Section 16 Township 109 North, Range 46 West in Lincoln County Minnesota.
3. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.
4. The Northeast Quarter (NE1/4) of Section Seven (7) in Township 109 North, Range 46 West and The Southeast Quarter (SE1/4) of Section Seven (7) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
5. The Southwest Quarter (SW1/4) of Section Eight (8) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
6. Northeast Quarter (NE1/4) of Section Seventeen (17) Township 109 North, Range 46 West in Lincoln County Minnesota.
7. The Southwest Quarter (SW1/4) of Section Seventeen (17) Township 109 North, Range 46 West and the Southeast Quarter (SE1/4) Township 109 North, Range 46 West in Lincoln County Minnesota.
8. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.

## **Attachment B**

### **Supplemental Legal Descriptions**

1. NE  $\frac{1}{4}$  of Section 19 T-109-N, R-46-W
2. NW  $\frac{1}{4}$  of Section 20 T-109-N, R-46-W
3. SW  $\frac{1}{4}$  of Section 20 T-109-N, R-46-W
4. NE  $\frac{1}{4}$  of Section 21 T-109-N, R-46-W
5. N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 21 T-109-N, R-46-W

 Minnesota  
Historical Society  
STATE HISTORIC PRESERVATION OFFICE

September 5, 2008

Mr. Kevin Walli  
Fryberger, Buchanan, Smith & Frederick  
332 Minnesota Street, Suite W-1260  
St. Paul, MN 55101

RE: Construction of 15 wind turbines  
Verdi Twp., Lincoln County  
SHPO Number: 2005-2044

Dear Mr. Walli:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

We are in receipt of your letter of 15 August 2008. We have reviewed this submittal and find that, based on available information, we conclude that our earlier finding (letter of 13 June 2005) of **no properties** remains valid.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,



Britta L. Bloomberg  
Deputy State Historic Preservation Officer

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

THE FIRST NATIONAL BANK BUILDING  
332 MINNESOTA ST, SUITE WEST  
1260  
ST. PAUL, MINNESOTA 55101  
TELEPHONE (651)221-1044  
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**DULUTH OFFICE**

SUITE 700  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX (218) 725-6800

August 15, 2008

Dennis Gimmestad  
Government Programs & Compliance Officer  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. West  
St. Paul, MN 55102

**Re: USDA Rural Development – State Historic Preservation Office Review Form**

Dear Mr. Gimmestad:

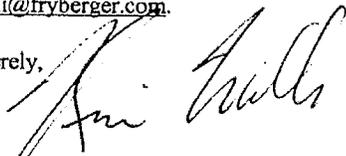
In 2005, developers of a wind powered electrical generation facility in Lincoln County were approved by the United States Department of Agriculture for a grant from the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program. One of the requirements in this grant process was an environmental review which sought out information regarding impacts on historic sites. USDA officials advised the grantees that securing a letter from the State Historic Preservation Office indicating if there are any known historic sites on these parcels would be helpful to the application.

In May of 2005 the grantees transmitted a cover letter and review form to your office. At that time you indicated that no properties eligible for or listed on the National Register of Historic Places are within the project's area of effect. Now, as the project moves to financial closing, the project financier has requested that more current information be obtained for the project, and we request your reevaluation of the proposed project site. (Please see the attached chain of communications from 2005.)

The wind towers are to be located in Verdi Township, Lincoln County, Minnesota. The legal descriptions for the properties and the request form are attached as Attachment A.

If you have any questions in this matter, please give me a call at (651) 221-1044 or send me an e-mail at [kwalli@fryberger.com](mailto:kwalli@fryberger.com).

Sincerely,



Kevin Walli

Dennis Gimmestad  
Government Programs and Compliance Officer  
Minnesota State Historic Preservation Office  
Minnesota Historical Society  
345 W. Kellogg Blvd  
St Paul, MN 55102-1906

Subject:

Finalized Project Layout Maps for the Community Wind North Project, Lincoln County, Minnesota

Dear Mr. Gimmestad:

Fryberger, Buchanan, Smith & Frederick, P.A. requested in 2005 that you provide comments on potential impacts to sites of historic or cultural significance from a proposed wind generation facility known as Community Wind North in conjunction with my client's application to the U.S. Department of Agriculture for a Renewable Energy Efficiency grant. Your agency wrote a response letter on June 13, 2005. In the letter you concluded that the project would not affect any properties eligible for or listed on the National Register of Historic Places (see Exhibit A). However, the previous information submitted to your agency included only proposed turbine locations. We therefore request that your agency re-review the enclosed maps (Exhibits B and C), which depict the final and complete project, and determine if any important archaeological sites, historic buildings, or structures that may be potentially affected by the proposed wind farm development located in Lincoln County, Minnesota.

Although the overall project area has not changed substantially, the project boundary now extends north across Highway 14 along the county road right-of-way to the existing Yankee Substation. The project will be located in the Verdi Township in Lincoln County, Minnesota in Sections 5, 7, 8, 9, 16, and 17. This location is 5 miles west of Lake Benton, Minnesota at the north end of Buffalo Ridge. The Community Wind North project proposes to construct wind turbines on privately owned land currently in agricultural use. The project will be interconnected to Xcel Energy's existing Yankee Substation.

Please feel free to give me a call should you have any questions regarding the proposed project. I can be reached at 651-221-1044. Please forward the invoice for the database search to my attention at the address listed above. Thank you very much for your assistance.

Sincerely,

Kevin Walli

Attachments:

Exhibit A, Fryberger, Buchanan, Smith & Frederick, P.A. Project Information Submitted in 2005  
Exhibit B, Project Area for Environmental Clearance – Aerial Base  
Exhibit C, Project Area for Environmental Clearance – Topographic Map

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

THE FIRST NATIONAL BANK BUILDING  
332 MINNESOTA ST. SUITE WEST  
1250  
ST. PAUL, MINNESOTA 55101  
TELEPHONE (651)221-1044  
FAX [651]221=1035

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SUITE 700  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX [218] 725=6800

December 11, 2008

**[Follow-up Letter Transmitted to Tribes – See Attached Addressee List]**

**Re: Follow-up to Previous Correspondence Relating to Section 106 Review  
Process – National Historic Preservation Act**

Dear \_\_\_\_\_:

In May, 2005, my clients transmitted a letter to you identifying the location of 15 wind turbines – each of which was seeking federal financial assistance from the Renewable Energy Systems and Energy Efficiency Improvements Grant Program administered by the Office of Rural Development, United States Department of Agriculture. In conjunction with the USDA Grant Program process, we were authorized to initiate the consultation process required under Section 106 of the National Historical Preservation Act (NHPA).

Section 106 of the NHPA requires federal agencies to take into account the affects of the undertakings on historic properties. The federal agencies are required to consult with the State Historical Preservation Officer, Indian Tribes, Tribal Historic Preservation Officers and other interested individuals and organizations. The goal of the consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse affects on historic properties.

You have been identified as a possible consulting party under 36 C.F.R. Part 800.2(c). We previously provided you with information regarding the proposed project and requested comments with respect to the potential of the proposed project to impact any eligible or listed historic and cultural resources.

We have attached a map and legal descriptions of the properties which establish the footprint for the wind project. Please note that the only properties which were not included in the materials transmitted to you in 2005 are the properties on the south side of the project site and are designated by marking with diagonal lines. The legal descriptions for the originally described properties are provided as Attachment A. The legal descriptions for the newly-added properties are indicated on Attachment B.

We would appreciate any comments you may have on the following issues:

- The described proposed project. (Particularly the newly designated properties.)

- The described area of potential effect.
- The potential effects of the undertaking on any historic or cultural properties.
- Information regarding any religiously significant, archeological or cultural resources important to you that have yet to be identified.
- The potential effect to any such properties and recommended mitigations measures.

The project is pursuing a State of Minnesota Site Permit and that process will commence this month. Therefore, we respectfully request that you submit any comments within 30 days of receipt of this letter.

If you have any questions regarding this letter, please contact me by mail at 332 Minnesota Street, Suite W-1260, St. Paul, MN 55101 or by phone at (651) 221-1044 or by e-mail at [kwalli@fryberger.com](mailto:kwalli@fryberger.com) or you may contact Christine Goddard, Rural Utilities Specialist, USDA Rural Development, Austin Service Center directly by mail at 101 – 21<sup>st</sup> Street N.E., Austin, MN 55912 or by phone at (507) 437-8567.

Sincerely,

Kevin Walli

KW/kmd  
Attachments

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Mr. Sheldon Wolfchild  
Lower Sioux Indian Community Council  
39527 Res Highway 1 P.O. Box 308  
Morton, MN 56270

Mr. Roger Trudell  
Santee Sioux Nation  
108 Spirit Lake Avenue, West  
Niobrara, NE 68760

Ms. Myra Pearson  
Spirit Lake Tribal Council  
P.O. Box 359  
Fort Totten, ND 58335

Mr. Mark Allen  
Flandreau Santee Sioux Executive Committee  
P.O. Box 283  
Flandreau, SD 57028

Ms. Audrey Bennett  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, MN 55089

Mr. James "JC" Crawford  
Sisseton-Wahpeton Oyate  
of the Lake Traverse Reservation  
P.O. Box 509  
Agency Village, SD 57262

Mr. Kevin Jensvold  
Upper Sioux Community of Minnesota  
P.O. Box 147  
Granite Falls, MN 56241-0147

## **Attachment A**

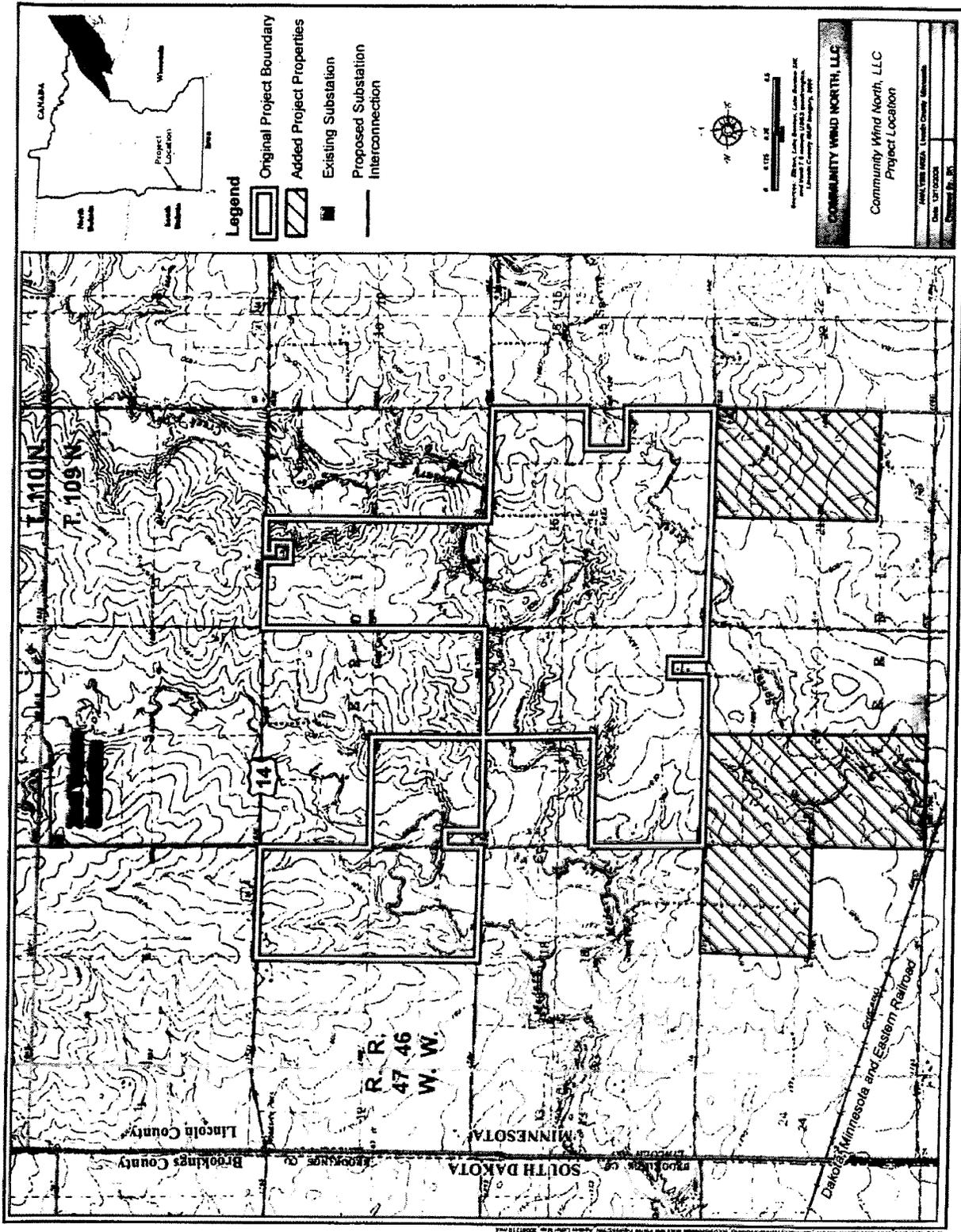
### **Legal Descriptions**

1. The Northwest Quarter (NE1/4) of Section Nine (9) in Township 109 North, Range 46 West and The Southwest Quarter (SE1/4) of Section Nine (9) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
2. The East Half of the Southwest Quarter (E1/2SW1/4) and the West Half of the Southeast Quarter (E1/2SE1/4) of Section Sixteen (16) Township 109 North, Range 46 West and East Half of the Northeast Quarter (E1/2NE1/4) and the East Half of the Southeast Quarter (E1/2SE1/4) of Section 16 Township 109 North, Range 46 West in Lincoln County Minnesota.
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## **Attachment B**

### **Supplemental Legal Descriptions**

1. NE  $\frac{1}{4}$  of Section 19 T-109-N, R-46-W
2. NW  $\frac{1}{4}$  of Section 20 T-109-N, R-46-W
3. SW  $\frac{1}{4}$  of Section 20 T-109-N, R-46-W
4. NE  $\frac{1}{4}$  of Section 21 T-109-N, R-46-W
5. N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 21 T-109-N, R-46-W



LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

FIRST NATIONAL BANK BUILDING  
332 MINNESOTA STREET  
SUITE W-1260  
ST. PAUL, MINNESOTA 55101  
TELEPHONE (651)221-1044  
FAX (651)221-1035

**DULUTH OFFICE**

700 LONSDALE BUILDING  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802  
TELEPHONE (218)722-0861  
FAX (218)725-8800

**MEMORANDUM**

**TO:** FIELD(Name)  
FIELD(Tribe)  
FIELD(Address)  
FIELD(City, State)

**FROM:** Kevin Walli, Fryberger, Buchanan, Smith & Frederick, P.A.  
(As Applicants' Representative for Community Wind North 1 LLC; Community Wind North 2 LLC; Community Wind North 3 LLC; Community Wind North 4 LLC; Community Wind North 5 LLC; Community Wind North 6 LLC; Community Wind North 7 LLC; Community Wind North 8 LLC; Community Wind North 9 LLC; Community Wind North 10 LLC; Community Wind North 11 LLC; Community Wind North 12 LLC; Community Wind North 13 LLC; Community Wind North 14 LLC and Community Wind North 15 LLC)

**RE:** Initiation of Section 106 Review Process -- National Historic Preservation Act

**DATE:** May 5, 2005

Dear FIELD(Salutation)

My clients are applying for federal financial assistance from the Renewable Energy Systems and Energy Efficiency Improvements Grant Program administered by the Office of Rural Development, United States Department of Agriculture. We have been authorized by that Agency to initiate the consultation process required under Section 106 of the National Historic Preservation Act (NHPA). We have attached for your review materials which will be submitted to the USDA Rural Development office for 15 projects which will be sited close to one another in Verdi Township, Lincoln County, Minnesota.

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. To achieve this, federal agencies are required to consult with the State Historic Preservation Officer, Indian Tribes, Tribal Historic Preservation Officers, applicants, and other interested individuals and organizations. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

You have been identified as a possible consulting party under 36 CFR Part 800.2(c). We are providing you with the enclosed information regarding our proposed project and respectfully request your comments with respect to the potential for our proposed project to impact any eligible or listed historic and cultural resources. Specifically, we would appreciate any comments you may have on the following issues:

- The described proposed project;
- The described area of potential effect;
- The potential effects of the undertaking on any historic or cultural properties we have thus far identified;
- Information regarding any religiously significant, archeological or cultural resources important to you that have yet to be identified, and,
- The potential effect to any such properties and recommended mitigation measures.

The USDA Rural Development environmental review process for this particular program is under strict timelines so we are respectfully requesting that you submit comments within 30 days from receipt of this letter.

If you have any questions regarding this letter, please contact Kevin Walli by mail at 332 Minnesota Street, Suite W-1260, St. Paul, MN 55101 or by phone at (651) 221-1044 or you may contact Christine Goddard, Rural Utilities Specialist, USDA Rural Development, Austin Service Center directly by mail at 101 - 21st Street N.E., Austin, MN 55912 or by phone at (507) 437-8567.

Mr. Leonard Eller  
Flandreau Santee Sioux Executive Committee  
P.O. Box 283  
Flandreau, SD 57028

Ms. Doreen Hagen  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, MN 55089

Mr. James "CJ" Crawford  
Sisseton-Wahpeton Dakota Nation  
P.O. Box 509  
Agency Village, SD 57262

Ms. Helen M. Blue  
Upper Sioux Community of Minnesota  
P.O. Box 147  
Granite Falls, MN 56241-0147

Ms. Ann Larsen  
Louwer Sioux Indian Community Council  
P.O. Box 308, 39527 Res Highway 1  
Morton, MN 56270

Mr. Roger Trudell  
Santee Sioux Tribe of Nebraska  
425 Frazier Avenue No., Suite 2  
Niobrara, NE 68760

Mr. Valentino White  
Spirit Lake Tribal Council  
P.O. Box 359  
Fort Totten, ND 58335

# **Appendix E**

## **Microwave Study**



## Executive Summary – Wind Power GeoPlanner™

### Licensed Microwave Search

Comsearch performed an analysis to evaluate the potential effect of the planned Community Wind North Project in Lincoln County, Minnesota on existing non-Federal Government microwave telecom systems.

Comsearch's Wind Power GeoPlanner™ provides a graphical representation of affected microwave paths and provides supporting technical parameters. The microwave path data is overlaid on USGS topographic basemaps.

**Microwave Search Results.** Comsearch identified no microwave paths that intersect the project area (see Figure 1).

Therefore, none of the proposed turbines will conflict with licensed microwave systems in the frequency bands listed in Figure 1's legend.

**Turbines:** 15 turbines were considered in the analysis, each with a blade diameter of 88 meters. The coordinates provided were in NAD27 and converted to NAD83 to be consistent with the datum of our GeoPlanner™ application.

**Map Projection:** The ESRI® Shapefiles contained in the enclosed GeoPlanner CD are in NAD 83 UTM Zone 14 projected coordinate system.

**Comsearch Contact:**

Denise Finney, Account Manager  
Phone: (703) 726-5650 Fax: (703) 726-5599  
Email: [dfinney@comsearch.com](mailto:dfinney@comsearch.com)

# **Appendix F**

## **DNR Consultations and Correspondence**

**Kevin T. Walli**

---

**From:** John Schladweiler [John.Schladweiler@dnr.state.mn.us]  
**Sent:** Tuesday, December 16, 2008 4:25 PM  
**To:** Kevin T. Walli  
**Subject:** Verdi Wind project

I received your letter and information regarding an expansion of the wind project planned in Verdi Twp., Lincoln County. Based on that review, the comments that we provided you earlier would pertain to the expanded area as well.

John

John Schladweiler  
MN Dept. of Natural Resources  
Regional Ecological Resources Manager  
261 Hwy 15 S  
New Ulm, MN 56073  
john.schladweiler@dnr.state.mn.us  
507-359-6003

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

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ST. PAUL, MINNESOTA 55101  
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FAX [651]221=1035

**DULUTH OFFICE**

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302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX [218] 725=6800

December 11, 2009

John Schladweiler  
Assistant Regional Wildlife Manager  
Minnesota Department of Natural Resources  
261 Highway 15 South  
New Ulm, MN 56073

Dear Mr. Schladweiler:

On May 5, 2005 and again on September 19, 2008, our firm wrote to you on behalf of developers of a wind powered electric generation facility in Verdi Township, Lincoln County who are working to develop a 30 megawatt wind farm – which will involve the installation of fifteen (15) 2.0 MW turbines. The project is seeking Department of Natural Resources environmental review for information regarding impacts on wildlife and endangered species. The original request was in compliance with Federal Form RD 1940-20 (page 4) which calls for specific information regarding wildlife resources. The USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program calls for the project to secure a letter from the Department of Natural Resources indicating whether wildlife or endangered species for this area is available.

This information was requested and received for the property on which the wind turbines were to have been located.

In recent weeks, there has been a modest adjustment to the project site which involves moving up to three of the turbines to property immediately south of the site which was previously examined. A map indicating the original project site and the newly-identified adjacent properties which must also be examined is attached for your consideration. In addition, we are forwarding the legal descriptions of the original properties as Exhibit A and the legal descriptions of the newly-identified properties as Exhibit B to this correspondence.

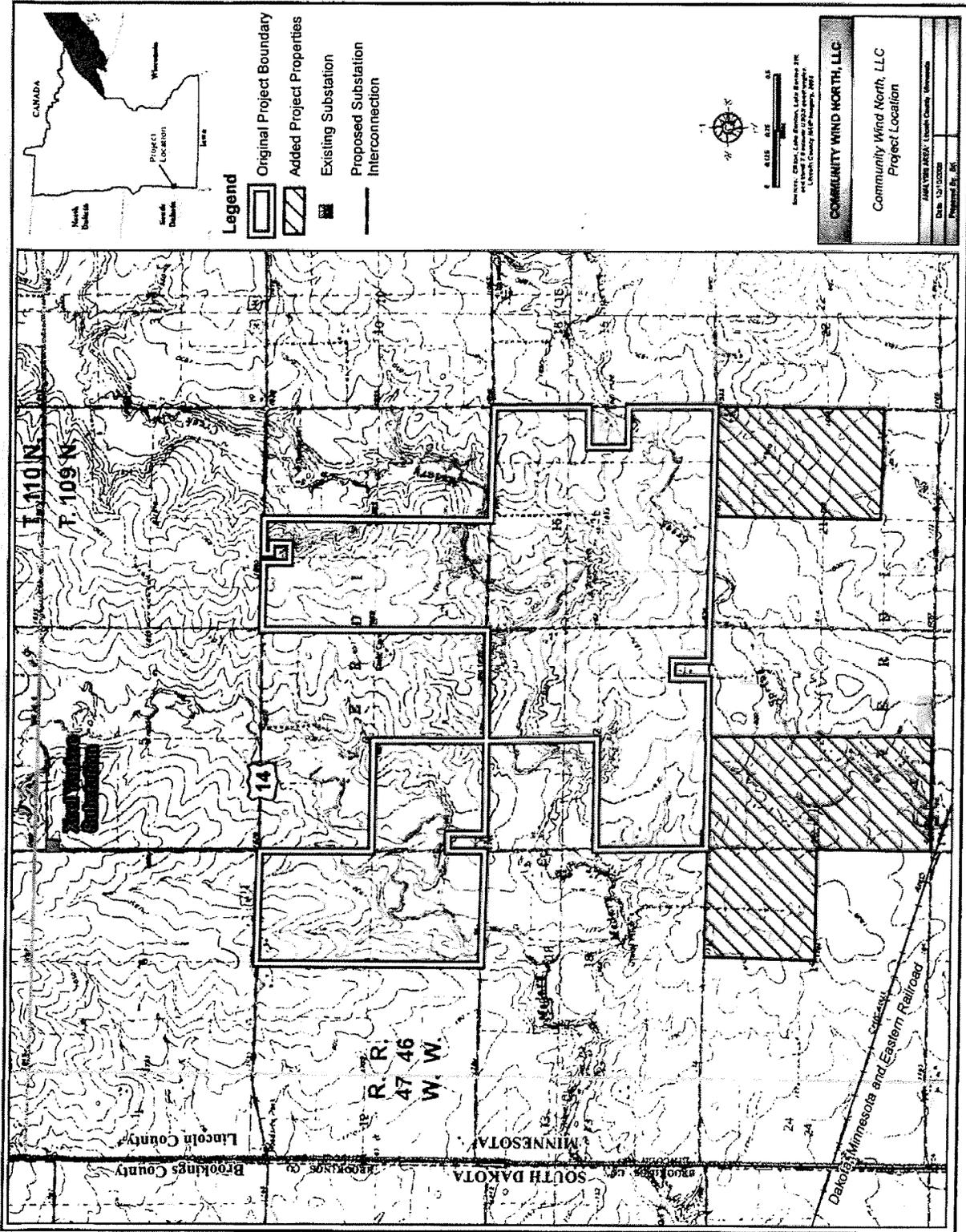
The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide a response regarding wildlife impacts would be greatly appreciated.

Sincerely,



Kevin Walli

KW/kmd  
Attachments



## **Attachment A**

### **Legal Descriptions**

1. The Northwest Quarter (NE1/4) of Section Nine (9) in Township 109 North, Range 46 West and The Southwest Quarter (SE1/4) of Section Nine (9) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
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## **Attachment B**

### **Supplemental Legal Descriptions**

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LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

FIRST NATIONAL BANK BUILDING  
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FAX (651)221-1036

**DULUTH OFFICE**

700 LOWDALE BUILDING  
302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802  
TELEPHONE (218)722-0881  
FAX (218)726-8800

May 5, 2005

Tim Bremicker, Section Chief  
Minnesota Department of Natural Resources  
Section of Wildlife Division  
500 Lafayette Road  
St. Paul, MN 55155

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

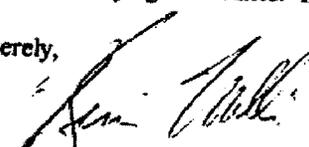
Dear Mr. Bremicker:

Developers of a wind powered electrical generation facility in Lincoln County are preparing an application for a United States Department of Agriculture grant in response to a formal Notice of Funds Availability (NOFA) inviting applications for the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program. One of the requirements in this grant process is an environmental review which seeks information regarding impacts on wildlife and endangered species. Specifically, in the instructions for preparing a Form RD 1940-20 (page 4), the applicants are asked to provide specific information regarding wildlife resources. USDA officials have advised us that securing a letter from the Minnesota Department of Natural Resources indicating the wildlife or endangered species information for this area would be helpful to the application.

These towers are to be located in Verdi Township, Lincoln County, Minnesota. The legal descriptions for the properties are attached as Exhibit A.

The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide correspondence indicating wildlife impacts would be greatly appreciated. This application process was only recently announced and comes with very tight timelines. Your prompt review and response to this request will be greatly appreciated.

Sincerely,



Kevin Walli

KW/kmd  
Enclosure

## **Attachment A**

### **Legal Descriptions**

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## Minnesota Department of Natural Resources

Division of Wildlife  
261 Highway 15 South  
New Ulm, MN 56073  
PHONE: (507) 359-6031  
FAX: (507) 359-6018



June 21, 2005

Kevin Walli  
Fryberger, Buchanan, Smith & Frederick, P.A.  
First National Bank Building  
332 Minnesota Street  
Suite W-1260  
St. Paul, Minnesota 55101

Dear Kevin,

This is in response to your May 5, 2005 letter requesting comments on impacts to wildlife from a proposed wind generation facility in Verdi Township of Lincoln County, Minnesota. We subsequently requested and you provided maps showing the proposed location of the turbines.

As you are probably aware, wind energy facilities can adversely impact wildlife, especially birds and bats, and their habitats. Due to local differences in wildlife concentration and movement patterns, habitats, area topography, facility design, and weather, each proposed development site is unique and requires detailed, individual evaluation. Unfortunately, because of the time constraints of your application, a detailed on-site evaluation of this proposal was not possible. However, I am somewhat familiar with a portion of the area and have reviewed recent aerial photos of the area.

The U.S. Fish and Wildlife Service has prepared interim guidelines for avoiding and minimizing wildlife impacts from wind turbines. You should review these guidelines. The guidelines may be accessed at: [www.fws.gov/r9dncbfa/wind.pdf](http://www.fws.gov/r9dncbfa/wind.pdf)

Medary Creek flows through the project area. The Federally Endangered Topeka shiner is known to inhabit this creek in a number of locations. It appears that the turbines, if built in the locations as proposed on the maps you provided, will not have an impact on Topeka shiners or their habitat, provided that certain precautions are taken. Since no work on this turbines will involve work in any stream, direct impacts to Topeka shiners will not occur. However, sedimentation during any construction project is detrimental to Topeka shiners as well as other aquatic life. Control of erosion and sedimentation during construction is critical.

I have attached a list of Best Management Practices (BMP's) that have been developed for work in and around streams with Topeka shiners. While most of these are applicable to work in and

immediately adjacent to streams (even intermittent streams), they are generally applicable to protection of Topeka shiner habitat wherever it may be impacted by human activity. Items 2 and 3 are particularly relevant to the proposed turbines.

A review of the Natural Heritage Database does not show any other known occurrences of endangered or threatened species. 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.

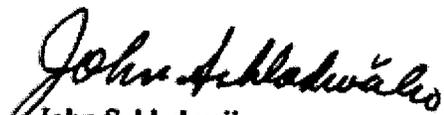
Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, but has not been completed for Lincoln County. Therefore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

It is not likely that these proposed turbines will pose a significant threat to direct mortality of birds or bats in this locality. However, indirect effects on bird populations are another impact of wind turbines. Some studies on Buffalo Ridge have shown that grassland birds will avoid an area around wind turbines. This can lead to decreased production of young birds. Raptors have also been shown to not nest in the vicinity of wind farms. You should review Appendix 6 of the Fish and Wildlife Service guidelines for further information on this topic

It appears from the maps you have sent, that the turbines will be placed in cropland and not in any grassland areas. A possible exception may be the far western turbine. Placement in cropland is preferred over placement in grassland because of the avoidance of turbines by grassland birds.

Thank you. If you need further information or clarification, please contact me at the numbers above.

Best regards,

  
John Schladweiler  
Asst. Regional Wildlife Manager

cc: Sarah Hoffman  
Lisa Gelvin-Innvaer

### **Best Management Practices for Topeka shiners**

1. No in-stream work should be conducted between ice-out and August 15, to ensure free passage of Topeka shiner adults and to protect spawning habitat. Site work above the ordinary high water line is not affected. No tracked or wheeled vehicles should be allowed in the streambed. All mechanized work should be conducted from the banks.
2. Erosion control measures will receive the utmost attention. Silt fences should be installed adjacent to the stream, and *additional* devices such as silt fences or check bales should be installed upslope. Devices should be inspected frequently, particularly following precipitation, to ensure that they are effective and in good repair. Repairs or replacements should be made promptly. Erosion control measures should remain in place until vegetation begins to recover.
3. Construction should not begin if rain is forecast during the next three days. Construction should not begin until the entire project can be completed without delay.
4. Removal of riparian vegetation should be kept to a minimum, and should occur sequentially as needed over the length of the project. Areas of disturbed soils should be mulched and/or reseeded promptly, preferably with native grasses and forbs. The site should be inspected following spring green up, to ensure that vegetation is recovering as expected.
7. Construction, demolition and/or removal operations conducted over, or in the vicinity of, the stream, will be so controlled as to prevent materials from falling into the water. Any materials which *do* fall into the water or into areas below the OHWL should be retrieved promptly, by hand or by equipment working from the banks, and disposed of in a manner consistent with state and local ordinances.
8. The project proposer should meet with any hired contractors before the commencement of the project, to ensure that all BMP's are clearly understood.

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

THE FIRST NATIONAL BANK BUILDING  
332 MINNESOTA ST, SUITE WEST  
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FAX (651) 221-1035

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302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1883  
TELEPHONE (218) 722-0881  
FAX (218) 725-6800

August 15, 2008

John Schladweiler  
Asst. Regional Wildlife Manager  
Minnesota Department of Natural Resources  
Division of Wildlife  
261 Highway 15 South  
New Ulm, MN 56073

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

Dear Mr. Schladweiler:

In 2005, developers of a wind powered electrical generation facility in Lincoln County were approved by the United States Department of Agriculture for a grant from the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program. One of the requirements in this grant process was an environmental review which sought information regarding impacts on wildlife and endangered species. Specifically, in the instructions for preparing a Form RD 1940-20 (page 4), the applicants were asked to provide specific information regarding wildlife resources. USDA officials advised the grantees that securing a letter from the Minnesota Department of Natural Resources indicating the wildlife or endangered species information for this area would be helpful to the application.

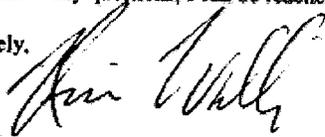
In May of 2005 the grantees transmitted a request to the department regarding wildlife and endangered species impacts. At that time you indicated that no significant threats on wildlife and endangered species were found. Now, as the project moves to financial closing, the project financier has requested that more current information be obtained for the project, and we request your reevaluation of the proposed project site. (Please see the attached chain of communications from 2005.)

The wind towers are to be located in Verdi Township, Lincoln County, Minnesota. The legal descriptions and a map for the properties are attached as Attachment A.

The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide correspondence indicating wildlife impacts would be greatly appreciated. The due diligence process is well underway and the project is facing tight timelines. Your prompt review and response to this request will be greatly appreciated.

If you have any questions, I can be reached at (651) 221-1044 or by email at [kwalli@fryberger.com](mailto:kwalli@fryberger.com).

Sincerely,



Kevin Walli

**Bill D. Lunzer**

---

**From:** John Schladweiler [John.Schladweiler@dnr.state.mn.us]  
**Sent:** Thursday, September 18, 2008 3:48 PM  
**To:** Bill D. Lunzer  
**Subject:** Re: Lincoln County Wind Project

Bill,

The maps you sent were very poor quality and it was hard to determine the exact placement of the proposed turbines. Native prairie (prairie grassland that has never been plowed) is very rare in MN with less than 0.5% remaining. Some of the land within the boundaries of the wind farm appear to contain prairie, however, it is likely in poor condition. It also appears that none of the turbines will be erected on these parcels. If that is the case, the comments made in the 6-21-2005 letter remain valid. Please advise if this is the case.

John

>>> "Bill D. Lunzer" <wlunzer@fryberger.com> Thursday, September 18,  
>>> 2008 10:46 AM >>>  
John,

Please see the attached information regarding a wind project in Verdi Township, Lincoln County MN. Feel free to contact our office with questions or concerns.

Thank you,

Bill

Bill D. Lunzer  
Fryberger, Buchanan, Smith, & Frederick, P.A.  
332 Minnesota Street, Suite W-1260  
St. Paul, MN 55101  
Phone: (651) 221-1044  
Fax: (651) 221-1035

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

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FAX (651)221-1035

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302 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX (218) 725-8800

September 19, 2008

John Schladweiler  
Minnesota Department of Natural Resources  
Regional Ecological Resources Manager  
261 Hwy 15 South  
New Ulm, MN 56073

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

Dear Mr. Schladweiler:

In order to satisfy our project financier that the proposed project site does not present any barriers to development, we want to provide you with a more definitive view of the project site. The two attached maps present the entire project footprint with specific detail with respect to the siting of 15 towers and turbines. We are providing the detailed site map in a larger scale to ensure that you can see just where the facilities will be located. We are also sending a topographic map which marks every section in which facilities will be located.

The project developer knows of no portion of this property which remains as native prairie. This land has been planted in corn and soy beans for sometime - - although some parcels have been returned to pasture in recent years.

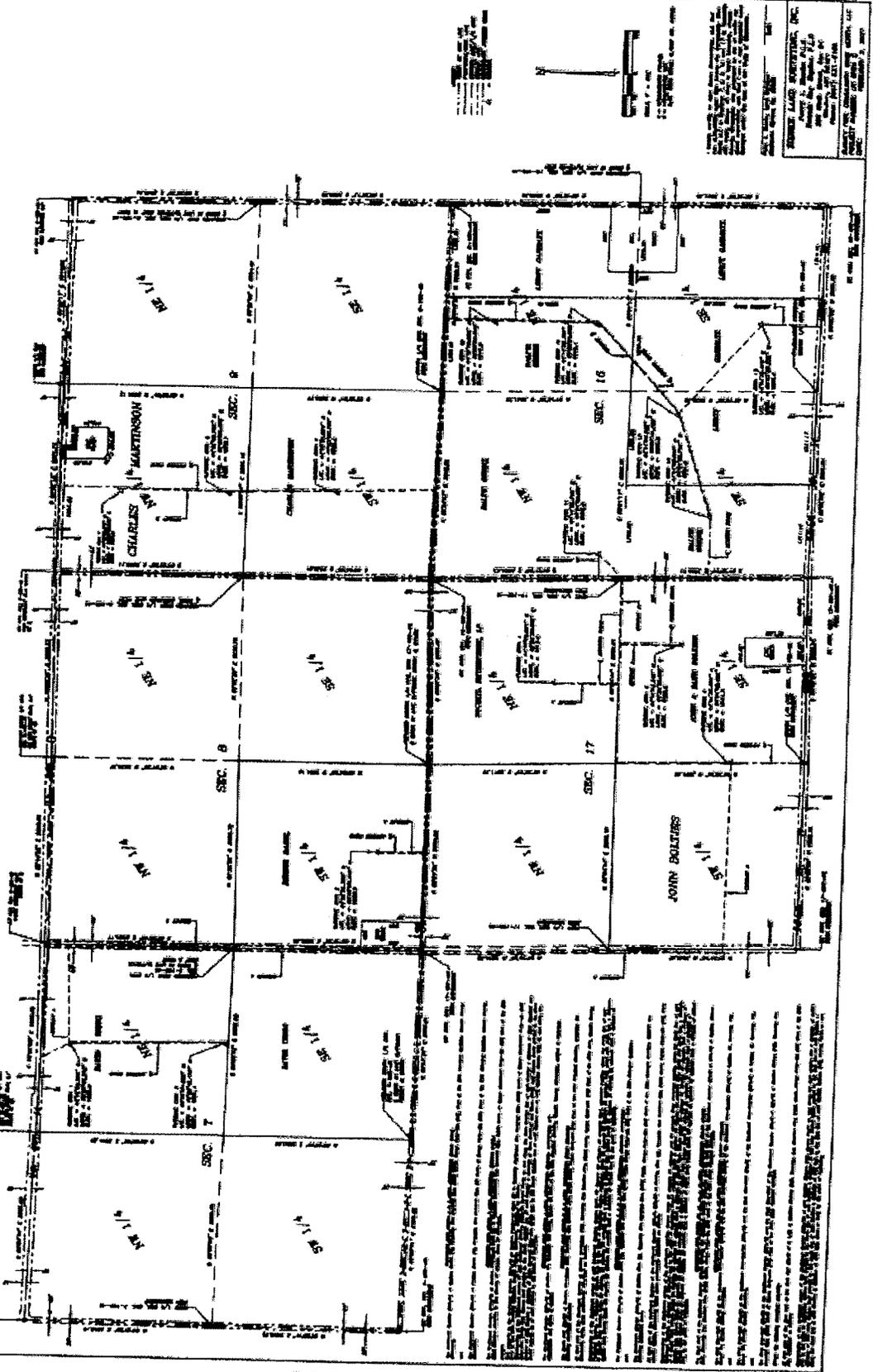
Please let me know if I can provide any further information as you consider whether this proposed project site will receive clearance from the Minnesota Department of Natural Resources to be developed for a wind park.

If you have any questions, I can be reached at (651) 221-1044 or by email at [kwalli@fryberger.com](mailto:kwalli@fryberger.com).

Sincerely,

Kevin Walli  
Enclosure

ALTA/ACSM LAND TITLE SURVEY FOR COMMUNITY WIND NORTH LLC IN SECTIONS 7, 8, 9, 16 AND 17. ALL IN TOWNSHIP 109 NORTH, RANGE 46 WEST  
 IN VERDI TOWNSHIP, LINCOLN COUNTY, MINNESOTA.





**Bill D. Lunzer**

---

**From:** John Schladweiler [John.Schladweiler@dnr.state.mn.us]  
**Sent:** Wednesday, November 05, 2008 1:32 PM  
**To:** Bill D. Lunzer  
**Subject:** Re: Lincoln County Wind Project (Verdi Township)  
**Attachments:** Re: Lincoln County Wind Project



Re: Lincoln County  
Wind Project...

Bill,

I did review the newer, high quality maps that you sent me on 9-19-2008. As I indicated in the attached email that I sent to you on September 18, it appears that none of the turbines will be erected in prairie. If that is the case, the comments that I made in the letter dated 6-21-2005 remain as my final comments.

John

>>> "Bill D. Lunzer" <wlunzer@fryberger.com> Wednesday, November 05,  
>>> 2008 8:44 AM >>>  
Mr. Schladweiler,

I am emailing you to see how the wildlife impact study is going for the Lincoln County wind project. The closing date of this project is quickly approaching. Please let me know how the study is going when you have a chance, and let me know if there is anything I can do to help.

Thank you,

Bill

Bill D. Lunzer

Fryberger, Buchanan, Smith, & Frederick, P.A.

332 Minnesota Street, Suite W-1260

St. Paul, MN 55101

Phone: (651) 221-1044

Fax: (651) 221-1035

Notice: Pursuant to Treasury Department Circular 230, this is to advise you that, unless we expressly state otherwise in the appended communications, e-mails and other written communications from this firm are not intended or written to be used, and cannot be used,



## Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25  
300 Lafayette Road

St. Paul, Minnesota 55155-4000

Phone: (651) 296-7863 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

May 23, 2005

Mr. Kevin Walli  
Fryberger, Buchanan, Smith & Frederick, P.A.  
332 Minnesota Street, Suite W-1260  
St. Paul, MN 55101

Re: Request for Natural Heritage information for vicinity of proposed Verdi Township Small Scale Wind Projects; T109N R46W Sections 7, 8, 9, 16, & 17; Lincoln County  
NHNRP Contact #: ERDB 20050810

Dear Mr. Walli,

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 occurrences of a rare species in the area searched (for details, see enclosed database printout and explanation of selected fields). However, based on the nature and location of the proposed project I do not believe it will affect any known occurrences of rare features.

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 Lincoln 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: index and full record. 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 index 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 index for any other purpose, please contact me to request written permission. **The full-record printout includes more detailed locational information, and is for your personal use only. If you wish to reprint the full-record printouts 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, Mike North, at (218) 828-2433.

An invoice in the amount of \$120.57 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.

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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# **Appendix G**

## **FWS Consultations and Correspondence**

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

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DULUTH, MINNESOTA 55802-1863  
TELEPHONE (218) 722-0861  
FAX (218) 725-6800

December 11, 2009

Tony Sullins, Field Supervisor  
U.S. Fish and Wildlife Service  
4101 American Blvd. East  
Bloomington, MN 55425

Dear Mr. Sullins

On May 5, 2005 and again on August 15, 2008, our firm wrote to you on behalf of developers of a wind powered electric generation facility in Verdi Township, Lincoln County who are working to develop a 30 megawatt wind farm – which will involve the installation of fifteen (15) 2.0 MW turbines. The project is seeking U.S. Fish and Wildlife Service review for information regarding impacts on wildlife and endangered species. The original request was in compliance with Federal Form RD 1940-20 (page 4) which calls for specific information regarding wildlife resources. The USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program calls for the project to request site review by the U.S. Fish and Wildlife Service to determine whether wildlife or endangered species are present at the project site.

This information was requested and received for the property on which the wind turbines were to have been located.

In recent weeks, there has been a modest adjustment to the project site which involves moving up to three of the turbines to property immediately south of the site which was previously examined. A map indicating the original project site and the newly-identified adjacent properties which must also be examined is attached for your consideration. In addition, we are forwarding the legal descriptions of the original properties as Exhibit A and the legal descriptions of the newly-identified properties as Exhibit B to this correspondence.

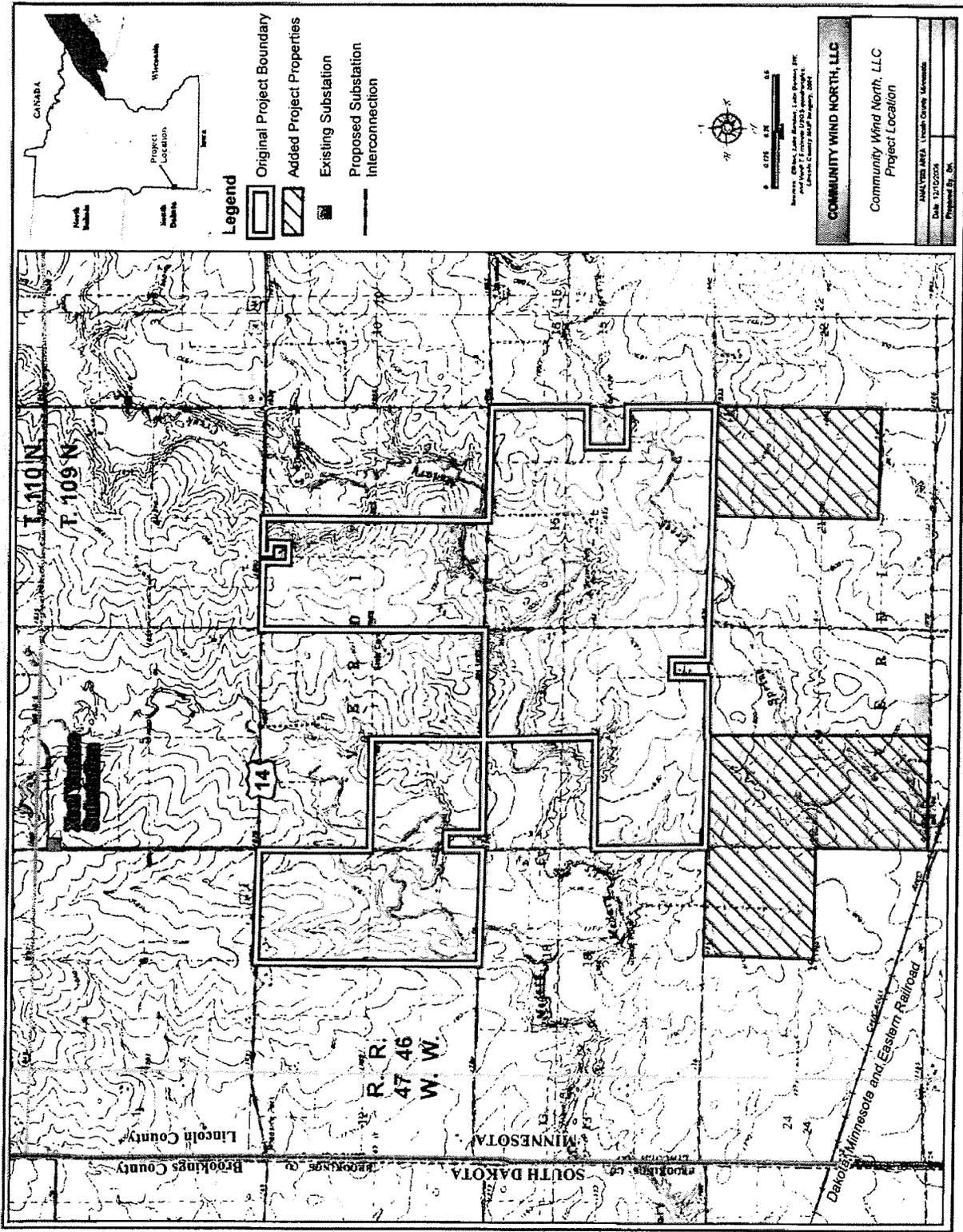
The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide a response regarding wildlife impacts would be greatly appreciated.

Sincerely,



Kevin Walli

KW/kmd  
Attachments



## **Attachment A**

### **Legal Descriptions**

1. The Northwest Quarter (NE1/4) of Section Nine (9) in Township 109 North, Range 46 West and The Southwest Quarter (SE1/4) of Section Nine (9) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
2. The East Half of the Southwest Quarter (E1/2SW1/4) and the West Half of the Southeast Quarter (E1/2SE1/4) of Section Sixteen (16) Township 109 North, Range 46 West and East Half of the Northeast Quarter (E1/2NE1/4) and the East Half of the Southeast Quarter (E1/2SE1/4) of Section 16 Township 109 North, Range 46 West in Lincoln County Minnesota.
3. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.
4. The Northeast Quarter (NE1/4) of Section Seven (7) in Township 109 North, Range 46 West and The Southeast Quarter (SE1/4) of Section Seven (7) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
5. The Southwest Quarter (SW1/4) of Section Eight (8) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
6. Northeast Quarter (NE1/4) of Section Seventeen (17) Township 109 North, Range 46 West in Lincoln County Minnesota.
7. The Southwest Quarter (SW1/4) of Section Seventeen (17) Township 109 North, Range 46 West and the Southeast Quarter (SE1/4) Township 109 North, Range 46 West in Lincoln County Minnesota.
8. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.

## **Attachment B**

### **Supplemental Legal Descriptions**

1. NE ¼ of Section 19 T-109-N, R-46-W
2. NW ¼ of Section 20 T-109-N, R-46-W
3. SW ¼ of Section 20 T-109-N, R-46-W
4. NE ¼ of Section 21 T-109-N, R-46-W
5. N ½ of the SE ¼ of Section 21 T-109-N, R-46-W

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

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TELEPHONE (218)722-0861  
FAX (218)725-6600

May 5, 2005

Dan Stinnett, Field Supervisor  
U.S. Fish & Wildlife Service  
4101 E. 80<sup>th</sup> Street  
Bloomington, MN 55425

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

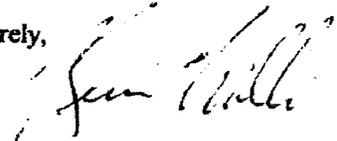
Dear Mr. Stinnett:

Developers of a wind powered electrical generation facility in Lincoln County are preparing an application for a United States Department of Agriculture grant in response to a formal Notice of Funds Availability (NOFA) inviting applications for the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program. One of the requirements in this grant process is an environmental review which seeks information regarding impacts on wildlife and endangered species. Specifically, in the instructions for preparing a Form RD 1940-20 (page 4), the applicants are asked to provide specific information regarding wildlife resources. USDA officials have advised us that securing a letter from the U.S. Fish & Wildlife Service indicating the wildlife or endangered species information for this area would be helpful to the application.

These towers are to be located in Verdi Township, Lincoln County, Minnesota. The legal descriptions for the properties are attached as Exhibit A.

The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide correspondence indicating wildlife impacts would be greatly appreciated. This application process was only recently announced and comes with very tight timelines. Your prompt review and response to this request will be greatly appreciated.

Sincerely,



Kevin Walli

KW/kmd  
Enclosure

## **Attachment A Legal Descriptions**

1. The Northwest Quarter (NE1/4) of Section Nine (9) in Township 109 North, Range 46 West and The Southwest Quarter (SE1/4) of Section Nine (9) in Township 109 North, Range 46 West in Lincoln County, Minnesota.
2. The East Half of the Southwest Quarter (E1/2SW1/4) and the West Half of the Southeast Quarter (E1/2SE1/4) of Section Sixteen (16) Township 109 North, Range 46 West and East Half of the Northeast Quarter (E1/2NE1/4) and the East Half of the Southeast Quarter (E1/2SE1/4) of Section 16 Township 109 North, Range 46 West in Lincoln County Minnesota.
3. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.
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7. The Southwest Quarter (SW1/4) of Section Seventeen (17) Township 109 North, Range 46 West and the Southeast Quarter (SE1/4) Township 109 North, Range 46 West in Lincoln County Minnesota.
8. The West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) and the West half of the Southwest Quarter (W1/2SW1/4) all in Section Sixteen (16) Township 109 North, Range 46 West in Lincoln County Minnesota.

LAW OFFICES

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FAX (218)726-8800

**MEMORANDUM**

**TO:** Lisa L. Noty, Business and Cooperative Specialist, USDA Rural Development

**FROM:** Karla Dufour, Fryberger, Buchanan, Smith & Frederick, P.A.

**RE:** Request for Letter on Wildlife Impacts of Wind Generation Facilities

**DATE:** June 10, 2005

On May 5, 2005, a letter was forwarded to Dan Stinnett, Field Supervisor, U.S. Fish & Wildlife Service, requesting a letter on wildlife impacts of wind generation facilities. Having received no information to date from Mr. Stinnett, I left a message on Mr. Stinnett's voicemail on June 9, 2005.

Mr. Stinnett called me on the morning of June 10, 2005 and indicated that there were no impacts on wildlife and endangered species in this matter. He asked that I simply make a notation in my file regarding the same. He indicated that his office does not send any notification unless there is an impact to wildlife and endangered species.

Mr. Stinnett's contact information is as follows:

Dan Stinnett  
Field Supervisor  
U.S. Fish & Wildlife Service  
4101 E. 80<sup>th</sup> Street  
Bloomington, MN 55425  
612-725-3548, Ext. 201

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

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FAX (218) 725-6800

August 15, 2008

Dan Stinnett, Field Supervisor  
U.S. Fish & Wildlife Service  
4101 E. 80<sup>th</sup> Street  
Bloomington, MN 55425

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

Dear Mr. Stinnett:

In 2005, developers of a wind powered electrical generation facility in Lincoln County were approved by the United States Department of Agriculture for a grant from the USDA Renewable Energy Systems and Energy Efficiency Improvements Grant Program. One of the requirements in this grant process was an environmental review which sought information regarding impacts on wildlife and endangered species. Specifically, in the instructions for preparing a Form RD 1940-20 (page 4), the applicants were asked to provide specific information regarding wildlife resources. USDA officials advised the grantees that securing a letter from the U.S. Fish & Wildlife Service indicating the wildlife or endangered species information for this area would be helpful to the application.

In May of 2005 the grantees transmitted a request to your office regarding wildlife and endangered species impacts. At that time you indicated that no impacts on wildlife and endangered species were found. Now, as the project moves to financial closing, the project financier has requested that more current information be obtained for the project, and we request your reevaluation of the proposed project site. (Please see the attached chain of communications from 2005.) If your office does not typically send formal letters when no wildlife impacts are found, an email to this effect would be very helpful.

The wind towers are to be located in Verdi Township, Lincoln County, Minnesota. The legal descriptions for the properties are attached as Attachment A.

The developers are not aware of any significant impact which their wind generation facilities would have on wildlife in the project area. Your willingness to review this matter and provide correspondence indicating wildlife impacts would be greatly appreciated. The due diligence process is well underway and the project is facing tight timelines. Your prompt review and response to this request will be greatly appreciated.

If you have any questions, I can be reached at (651) 221-1044 or by email at [kwalli@fryberger.com](mailto:kwalli@fryberger.com).

Sincerely,

  
Kevin Walli

LAW OFFICES

**FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A.**

**ST. PAUL OFFICE**

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FAX (218) 725-6800

October 1, 2008

Tony Sullins  
U.S. Fish & Wildlife Service  
Field Supervisor  
4101 American Blvd. East  
Bloomington, MN 55425

**Re: Request for Letter on Wildlife Impacts of Wind Generation Facilities**

Dear Mr. Sullins:

In order to satisfy our project financier that the proposed project site does not present any barriers to development, we want to provide you with a more definitive view of the project site. The three attached maps present the entire project footprint with specific detail with respect to the siting of 15 towers and turbines. We are providing the detailed site map in a larger scale to ensure that you can see just where the facilities will be located. We are also sending a topographic map which marks every section in which facilities will be located, and an aerial view map to outline wind turbine locations. I have also enclosed the original letter our office sent to Dan Stinnett on August 15, 2008.

The project developer knows of no portion of this property which remains as native prairie. This land has been planted in corn and soy beans for sometime - - although some parcels have been returned to pasture in recent years.

Please let me know if I can provide any further information as you consider whether this proposed project site will receive clearance from the U.S. Fish and Wildlife Service to be developed for a wind park.

If you have any questions, I can be reached at (651) 221-1044 or by email at [wlunzer@fryberger.com](mailto:wlunzer@fryberger.com).

Sincerely,

William D. Lunzer  
Enclosures

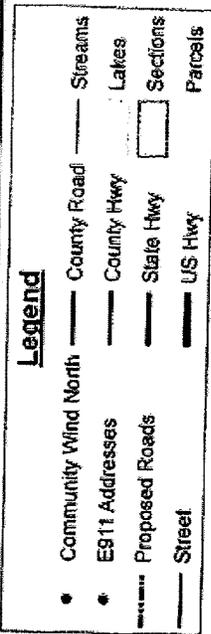


Minnesota DNR - ToMO Service

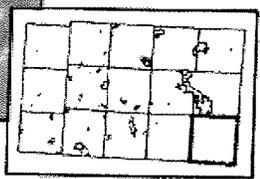
USGS 1:24,000 Quadrangles



**Community Wind North: Proposed Wind Tower Sites in Verdi Township, Lincoln County, MN**



Map Prepared 08/07/2008 by  
 Emma Volz, GIS Specialist  
 Lincoln County Environmental Department. Geographic Information Services Office  
 All Data provided in "As Is" as specified in the GIS Data Agreement.



**Bill D. Lunzer**

---

**From:** Tony\_Sullins@fws.gov  
**Sent:** Thursday, November 06, 2008 11:26 AM  
**To:** Bill D. Lunzer  
**Cc:** Alice\_Hanley@fws.gov  
**Subject:** Re: Lincoln County Wind Project (Verdi Township)

**Attachments:** Community Wind North.pdf



Community Wind  
North.pdf (681 ...)

Dear Mr. Lunzer,

It was a pleasure to speak with you this morning. As I indicated on the phone, the 2005 communications with my predecessor, Dan Stinnett, with regards to the above-referenced project conclude my office's involvement. As you explained, the project is as non-federal project which will impact previously disturbed, agricultural lands -- not prairie or grasslands. Therefore, we would not expect impacts to federally listed endangered (Topeka shiner), threatened (western prairie fringed orchid), or candidate (dakota skipper) species. Final determinations on these matters lie with you and your clients, and not with my office; I understand there to be no federal agency action which would trigger Endangered Species Act Section 7 consultation with my office.

Please ensure that the project site does not contain or impact federal land interests (such as Waterfowl Production Areas or wetland or grassland easements). If you need information about the location of these lands, I suggest you contact Alice Hanley at 320-273-2191.

Thank You.  
Tony Sullins  
Field Supervisor