

From: Steve Lawler (BWSR) [Steve.Lawler@state.mn.us]
Sent: Monday, April 20, 2009 9:53 AM
To: Larry Hartman (larry.hartman@state.mn.us)
Cc: Rasmussen, Donna
Subject: EcoHarmony West Wind Project in Fillmore County
Mr. Hartman:

Thank you for the opportunity to comment on the Notice of Application Acceptance for the EcoHarmony West Wind Project in Fillmore County, Minnesota. As a representative of the Minnesota Board of Water and Soil Resources and the Fillmore County Wetland Technical Evaluation Panel, I wish to inform you of how specific activities of this project within wetlands may be regulated by the Minnesota Wetland Conservation Act.

Most wetlands within the State of Minnesota are considered jurisdictional under State statute and rule as defined by the Wetland Conservation Act, enacted in 1992. The Act regulates filling, draining and excavation activities within most wetlands. The consultant for this project has reviewed the USFWS National Wetland Inventory map within the scope of the Ecoharmony West Wind Project, and has indicated from this information source approximately 0.75 percent of the project area may contain wetlands. Another indicator of wetland features commonly used is the County Soil Survey, specifically, the extent of hydric soils. This geomorphic layer indicates approximately 8 percent of the project area may contain hydric soils. Hydric soils are the basis of wetlands and are used as wetland indicators.

It is likely that wind farm infrastructure may transect hydric soil areas and potential wetlands not identified on existing wetland inventory maps. This would include temporary and permanent access roads and utility corridors. These activities would be regulated by the WCA if occurring within wetlands. Field assessment and delineation for wetlands within project corridor locations would be necessary to assess any potential wetland impacts, whether temporary or permanent, prior to finalizing project corridor locations. This would allow time for the submission and review of exemption, no-loss or mitigation/replacement applications to the local WCA Local Governing Unit Administrator.

I would request the consultant or other project representative coordinate wetland assessment, delineation and WCA application activities with the Local Governing Unit for wetlands in Fillmore County. The Wetland Administrator contact is Donna Rasmussen, Fillmore County Soil and Water Conservation District (donna.rasmussen@fillmoreswcd.org). I am also available if you or the project representative has any questions concerning the Wetland Conservation Act.

Again, thank you.

Steve Lawler
BWSR Wetlands Specialist
2300 Silver Creek Rd NE
Rochester MN 55906
Phone #507-206-2891
Cell #507-696-3617
Email Address: steve.lawler@state.mn.us