

APPENDIX C
DATA REQUEST LETTERS AND AGENCY
RESPONSES



Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 4, 2009

Mr. Travis Germundson
Board of Soil and Water Resources
520 Lafayette Road
St. Paul, MN 55155

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Mr. Germundson:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from BWSR regarding wetlands 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

tsf

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701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 4, 2009

Ms. Tamara Cameron
U.S. Army Corps of Engineers
Regulatory Functions Branch
190 5th Street East
St. Paul, MN 55101-1638

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Ms. Cameron:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the U.S. Army Corps of Engineers regarding wetlands or flooding issues for this project. Please advise us if there is any 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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REPLY TO
ATTENTION

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MINNESOTA 55101-1638

MAR 12 2009

March 11, 2009

Operations
Regulatory (2008-05938-DAS)

Mr. Jed W. Chestnut
WSB and Associates, Inc.
701 Xenia Avenue South
Minneapolis, Minnesota 55416

Dear Mr. Chestnut:

We have received your letter dated March 4, 2009, with regard to Nobles County Large Wind Energy Conversion System (LWECS), WSB Project No. 1739-11. Your letter requested information with regard to wetland and flooding issues for the project. Without construction and grading plans it is difficult to provide specific issues that would be associated with the project. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps' evaluation of a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

Please note, the East Branch Kanaranzi Creek is known to be habitat for Topeka shiners (*Notropis Topeka*), a Federally endangered fish. The Creek is located within the identified Project Boundary, in order to satisfy conditions of CWA Section 404, this project may require action to insure the project is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or adverse modification of habitat of such species. These conditions may apply to all regulated activities that are conducted in streams and in side channels, cut-off channels, oxbows, and wetlands that are at least periodically connected to streams in Minnesota's Big Sioux and Rock River Watersheds. On a case-by-case basis the Corps and/or U.S. Fish and Wildlife Service (USFWS) will determine what conditions apply to certain areas within these watersheds where Topeka shiners may occur.

Please provide a map and construction/grading plans when they are available that show the project location, and details and limits of the proposed work.

The temporary placement of fill material into any water body/wetland for purposes such as temporary stream crossings, bypass roads, cofferdam construction, or storage sites may also require a Department of the Army permit. If your project will, or may, include any temporary placement of fill material, please include that information also.

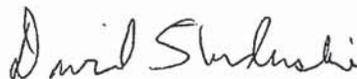
You may need State, county, and/or city permits for your proposal. It would be advisable to make inquiries early in the planning process. It is important that you promptly provide those agencies enough information to evaluate your application. If your project includes the placement of dredged or fill material into public waters, you must apply to the responsible State agency for water quality certification.

After receiving the project information, we will advise you if any specific authorization is required from the Corps before you proceed.

The project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

For further information or to request a pre-application consultation meeting, please contact Mr. David Studenski at (507) 895-2064. Mr. Studenski is the Corps' project manager for the County in which this proposal is located.

Sincerely,



for Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Mr. Ian Krygowski, EnXco Development Corporation, 10 Second Street NE, Suite 107,
Minneapolis, Minneapolis 55413



March 4, 2009

Mr. Dave Studenski
U.S. Army Corps of Engineers
190 5th Street East
St. Paul, MN 55101-1638

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Mr. Studenski:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the U.S. Army Corps of Engineers regarding wetlands or flooding issues for this project. Please advise us if there is any 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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March 3, 2009

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

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Ms. Balk:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (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 any 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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Jed Chesnut

From: Becky Balk (MDA) [Becky.Balk@state.mn.us]
Sent: Monday, March 16, 2009 1:46 PM
To: Jed Chesnut
Subject: WSB Project No. 1739-11 Primefarmlands

Dear Mr. Chesnut,

MDA does not have records or information on prime farmland. That information is available at the USDA Farm Service Agency county office.

Becky Balk
Agricultural Land Use Specialist
Minnesota Department of Agriculture
Agricultural Development & Financial Assistance Division
625 N. Robert St.
St. Paul, MN 55155-2538
(P) 651-201-6369 (F) 651-201-6120

Email: becky.balk@state.mn.us
MDA website: www.mda.state.mn.us



March 4, 2009

Mr. Steve Colvin – Twin Cities Field Office E.S.
Environmental Review Unit
500 Lafayette Road
St. Paul, MN 55155-4025

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Mr. Colvin:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the DNR regarding wildlife, habitat, wetlands, or flooding 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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Minnesota Department of Natural Resources

Division of Ecological Resources – Reg. 4

261 Hwy 15 South

New Ulm, MN 56073-8915

Phone: (507) 359-6073 Fax: (507) 359-6018 E-mail: kevin.mixon@dnr.state.mn.us

March 30, 2009

Jed W. Chesnut
WSB & Associates, Inc.
701 Zenia Avenue South
Suite 300
Minneapolis, MN 55416

RECEIVED

APR 01 2009

WSB & ASSOCIATES

In re: Nobles County LWECS
Preliminary Review
Nobles County, MN

Dear Mr. Chesnut:

The Minnesota Department of Natural Resources (DNR) has received information concerning the above referenced wind project located in Nobles County, MN. The DNR is providing the following comments as a mechanism to collaboratively work together to identify potential natural resource issues that should be considered during project development.

The project area contains the Bluebird Prairie Wildlife Management Area (WMA). The DNR recommends that no direct impacts occur to these public recreational lands from tower construction, transmission lines, or road networks associated with the project. In addition, a buffer should be established around all WMA's that is a minimum of five times the rotor blade diameter. This buffer may be re-evaluated as the project progresses if more information on sensitive resources associated with the WMA are discovered. State Wildlife Management Area boundaries can be downloaded from the DNR Data Deli (<http://deli.dnr.state.mn.us/>).

The project area contains numerous areas enrolled in the Conservation Reserve Program (CRP) that could potentially be affected by this project. The Farm Service Agency located in the county(s) where the project is occurring should be contacted (<http://www.fsa.usda.gov/FSA/stateoffapp?mystate=mn&area=home&subject=landing&topic=landing>) in order to coordinate potential issues involving these properties.

The Bluebird Prairie WMA, a large tract of CRP, wetlands, Kanaranzi Creek, and a federally listed species are all located in Sections 4 and 5 of your project area as indicated on the attached map. This complex of habitats in a relatively small geographic area within your project area should be avoided. If total avoidance is not possible then a field review will be necessary to further evaluate potential impacts to this area.

The project area contains past occurrences of species of special concern as tracked by the Minnesota Natural Heritage Information System. A heritage review application form and additional information about the program is available at: <http://www.dnr.state.mn.us/eco/nhnrp/index.htm>. The potential exists for the need to assess habitat or species presence/absence depending on the location of your turbines, transmission lines, and access roads. Please contact Lisa Joyal (651-259-5109) if more detailed information is needed to ensure the known locations of species are avoided.

Minnesota Statute 84.415 requires a DNR license be obtained for the passage of any utility over, under or across any state land or public waters. Information concerning the need and process of obtaining a License for Utility can be found at http://www.dnr.state.mn.us/permits/utility_crossing/index.html.

Potential wetland impacts could involve the Wetland Conservation Act (WCA). Potential wetland impact(s) may require a boundary delineation and potential mitigation. If wetland impacts may occur you should contact the Board of Water and Soil Resources (www.bwsr.state.mn.us).

Additional project considerations include utilities and roads that could cross or impact waters, streams, or wetlands. Discharge of fill or dredge material in waters of the U.S. are regulated under Section 404 of the Clean Water Act and may require a permit from the U.S. Army Corp of Engineers.

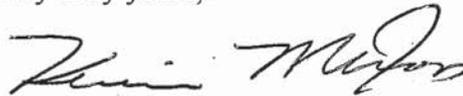
The DNR recommends 2 years of post construction mortality studies using the Minnesota Protocols to Monitor Bat & Bird Mortality at Large Wind Energy Conversion Systems (attached). Yearly mortality reports can be sent to the DNR on January 1 of each year. The information requested and address to send it to is outlined in the Post-Construction Report Guidelines (attached).

This review constitutes an office review only and is not a substitute for reviewing potential turbine placement in the field. A field review of the project should be conducted when the preliminary tower locations are determined. The DNR will provide a second review of the project that is site specific to the proposed tower locations, transmission lines, and access roads. The field review should be conducted prior to applying for a permit from the Public Utilities Commission.

Minnesota Administrative Rules 7836.0500, Subpart 7, requires the applicant to analyze potential environmental impacts of the project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided. Groundwater resources, surface waters, wetlands, vegetation, wildlife, rare and unique natural resources, etc. are included. In order to address the potential environmental impacts the applicant should resolve all outstanding issues with the DNR prior to applying for the Large Wind Energy Conversion System permit from the Public Utilities Commission.

The DNR looks forward to working in a positive and collaborative manner on this project to ensure that sustainable energy sources are developed while protecting Minnesota's natural resources. Please contact me directly at 507-359-6073 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Mixon". The signature is fluid and cursive, with the first name "Kevin" written in a larger, more prominent script than the last name "Mixon".

Kevin Mixon
Regional Environmental Assessment Ecologist
Division of Ecological Services

Cc: Lisa Joyal, DNR
Matt Langan, DNR
John Schladweiler, DNR
Ken Varland, DNR
Wendy Krueger, DNR
Jill Utrup, U.S. FWS



Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 4, 2009

Mr. Tom Kresko
Department of Natural Resources
DNR Windom Office
175 County Road 26
Windom, MN 56101-1868

Re: Nobles County LWECs
WSB Project No. 1739-11

Dear Mr. Kresko:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the Department of Natural Resources regarding wildlife, habitat, wetlands, or flooding for this project. Please advise us if there is any 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

tsf

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Minnesota Department of Natural Resources

175 COUNTY ROAD 26
WINDOM, MN 56101
(507) 831-2900 ext. 224



April 1, 2009

Jed W. Chestnut
Wetland/Natural Resource Specialist
WSB & Associates, Inc.
701 Xenia Ave. S. Ste. 300
Minneapolis, MN 55416

APR 03 2009

INFORMATION REQUEST, NOBLES COUNTY

Dear Mr. Chestnut:

We received your letter dated March 4, 2008 requesting additional information for your proposed Nobles County Large Wind Energy Conversion System near Worthington. In order for us to respond accordingly, we will need to know more detailed information on the scope of your project for us to determine exactly what information you will need.

Please send us the additional information via mail to DNR Waters, 175 County Road 26, Windom, MN 56101 or via e-mail at Tom.Kresko@DNR.State.MN.US.

If you have any questions regarding this letter, please contact our office at the above listed phone number, mailing address or by e-mail → Tom.Kresko@dnr.state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Kresko".

Tom Kresko
DNR Waters
Area Hydrologist

Ec: Kevin Mixon



Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 3, 2009

U.S. Fish and Wildlife Service
4101 American Boulevard East
Bloomington, MN 55425-1665

Re: Nobles County LWECS
WSB Project No. 1739-11

To Whom It May Concern:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the U.S. 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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March 4, 2009

Mr. Wayne Smith
Nobles County Planning and Zoning
P.O. Box 187
Worthington, MN 56187

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Mr. Smith:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (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 *Zoning Ordinance: Wind Energy Conversion System Regulations* from the Nobles County website, but also wanted to contact you to see if there is any additional 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 4, 2009

Mr. Ed Lenz
Nobles County Soil and Water Conservation District
1567 McMillan Street, Suite 3
Worthington, MN 56187

Re: Nobles County LWECS
WSB Project No. 1739-11

Dear Mr. Lenz:

On behalf of enXco Development Corporation, we are completing the necessary environmental review for the proposed Nobles County Large Wind Energy Conversion System near Worthington, Minnesota (see attached map). As part of the planning phase of the project, we are collecting information that may be available from the Nobles County SWCD regarding soils, wetlands, prime farmland, or other environmental issues for this project. Please advise us if there is any 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 763-231-4854 or jchesnut@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Jed W. Chesnut
Wetland/Natural Resource Specialist

Attachments

cc: Ian Krygowski, enXco Development Corporation

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For Agency Use Only:			
Received _____	Due _____	RUSH	
Related ERDB# _____			
Search Radius _____ mi.	ER/All _____	Map'd _____	EOs _____
NoR/ NoC/ NoE/ Std/ Sub	Let _____	Inv _____	Log out _____

MINNESOTA NATURAL HERITAGE INFORMATION SYSTEM (NHIS) DATA REQUEST FORM

DATE OF REQUEST March 3, 2009

WHO IS REQUESTING THE INFORMATION?

Name and Title Jed Chesnut, Wetland/Natural Resource Specialist

Agency/Company WSB & Associates, Inc.

Mailing Address 701 Xenia Ave S, Suite 300 Minneapolis MN 55416

(Street) (City) (State) (Zip Code)

Phone 763-231-4854 FAX 763-541-1700 e-mail jchesnut@wsbeng.com

WHAT INFORMATION DO YOU NEED?

Preferred Reply Method: Email US Mail

- Printouts of known occurrences of federally and state listed plants and animals; native plant communities; and aggregation sites such as bat hibernacula, colonial waterbird nesting sites, and prairie chicken booming grounds.
 - With Environmental Review
 - Printouts Only; No Review Needed
- Printouts of information listed above, plus geological features and state rare species with no legal status.
 - With Environmental Review
 - Printouts Only; No Review Needed
- Other (describe) _____

INFORMATION WE NEED FROM YOU:

- 1) **Enclose a map** of the project boundary (topographic maps or aerial photos are preferred).
- 2) If possible, please **provide a GIS shapefile** (NAD 83, UTM Zone 15N) of the project area.
- 3) List the following locational information (attach additional sheets if necessary):

For Agency Use Only:	<u>County</u>	<u>Township #</u>	<u>Range #</u>	<u>Section(s) (please list all sections)</u>
	<u>Nobles</u>	<u>102</u>	<u>41</u>	<u>2,3,4,5,6,7,8,9,10,15,16,17,18</u>
	<u>Nobles</u>		<u>42</u>	<u>1</u>
	<u>Nobles</u>	<u>103</u>	<u>41</u>	<u>15,16,21,22,23,25,26,27,32,33,34,35</u>
	<u>Nobles</u>		<u>42</u>	<u>10,11,13,14,15,23,24,25,26,34,35,36</u>

- 4) Please provide the following information (attach additional sheets if necessary):

Project Name <u>Nobles County Large Wind Energy Conversion System (LWECS)</u>
Project Proposer <u>enXco Development Corporation</u>
Detailed Project Description (see instructions, please) <u>See attached.</u>
Current/Past Land-Use of Project Site _____
The land use of the project site is agricultural.