

Agency Coordination

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APPENDIX

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APPENDIX

Contacted Agencies

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Tony Sullins
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Minnesota Department of Transportation

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February 25, 2009

Jeremy P. Duehr
Project Scientist
Malcolm Pirnie, Inc
924 Vista Ridge Lane
Shakopee, MN 55379

RE: Lake Country Wind Energy, LLC
Kandiyohi and Meeker Counties

Dear Mr. Duehr:

Thank you for sending the information and maps for the proposed construction of a Large Wind Energy Conversion System (LWECS) in Kandiyohi and Meeker counties by Lake Country Wind Energy, LLC. According to the provided information, the proposed 340 megawatt wind farm could contain up to 226 turbines and cover up to 368 square km primarily along either side of State Highway 12 from west of the city of Kandiyohi in Kandiyohi County to Grove City in Meeker County. Upon review of the proposed project, Mn/DOT District 8 offers the following comments:

- Mn/DOT, District 8 is, supportive of the development of all forms of alternative energy sources. Mn/DOT requests that Lake Country Wind Energy, LLC provide further detail to Mn/DOT during all three phases of development especially related to issues concerning the placement of turbines, electrical lines, substations, and access roads.
- Mn/DOT requests that individual wind towers be located at a distance from the public road right of way that is greater than the overall height of the towers, including blades.
- Mn/DOT expects that Lake Country Wind Energy, LLC will obtain, file and submit all required Mn/DOT permits, including permits to complete any necessary work in Mn/DOT's right of way, such as work required for the transportation of turbines and equipment to and from the site. For additional information concerning all permits please contact, Geri Vick, Permit Agent at 320/214.6364.

Mn/DOT appreciates the opportunity to comment on any proposed utility lines next to or crossing over any State Highways. If you have any questions or concerns, please contact me at 320/231-5497.

Sincerely,

David G. Trooien
Transportation District Engineer

cc: Stacy Kotch, Mn/DOT
Geri Vick, Mn/DOT

Duehr, Jeremy

From: Darlene Dahlseide [Darlene.Dahlseide@dot.state.mn.us]
Sent: Friday, February 27, 2009 7:58 AM
To: Duehr, Jeremy
Subject: Lake County Wind Energy - Kandiyohi and Meeker

Mr. Duehr,

Wind turbines have been around for quite some time and while we support the national and state efforts to promote green energy, the major growth in the industry has resulted in the construction of wind turbines much closer to Minnesota airports and air navigation aids than we had seen in the past. The FAA and State of Minnesota have made significant public investments in the 136 public use airports in Minnesota. Locating tall structures of any kind near airports or air navigation facilities could significantly impact the future viability of these airports and the safety of pilots, passengers and residences on the ground around airports.

Please review our website on Tall Tower Permitting and the Minnesota Structure Height Regulations.
<http://www.dot.state.mn.us/aero/avoffice/talltowers.html>

In order for us to make any comments, we will need some more specifics regarding the wind project:

1. How tall are the turbines (to the blade tip)
2. Approximate locations of the turbine sites using Lat / Long coordinates
3. Elevation of the structure above the ground
4. Nautical Mile Distance from any public use airport
5. FAA Aeronautical Study Numbers - if completed

Note: A letter of "non-objection" from the FAA as a result of their airspace study does not constitute an "erection permit" nor does an "objection letter" to the tower proponent by the FAA constitute denial of an "erection permit."

If you have any questions, please call me.
Thank you.

Darlene Dahlseide
Aviation Representative
Mn/DOT, Office of Aeronautics
222 Plato Blvd.
St. Paul, MN 55107-1618
Office: 651-234-7248
darlene.dahlseide@dot.state.mn.us
Fax: 651-234-7261

March 17, 2009

Jeremy Duehr
Malcolm Pirnie, Inc.
924 Vista Ridge Lane
Shakopee, MN 55379

RE: Lake County Wind Energy Large Wind Energy Conversion System
Kandiyochi and Meeker counties
SHPO Number: 2009-1112

Dear Mr. Duehr:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Due to the nature of the proposed project, we recommend that an archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

If the project area can be documented as previously disturbed or previously surveyed, we will re-evaluate the need for survey. Previously disturbed areas are those where the naturally occurring post-glacial soils and sediments have been recently removed. Any previous survey work must meet contemporary standards.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office with reference to the appropriate federal agency.

If you have any questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,



Dennis A. Gimmestad
Government Programs and Compliance Officer

Enclosure: List of Consultants

Duehr, Jeremy

To: Comer, Travis
Subject: RE: Cultural Resources Database Search

From: Cinadr, Thomas [mailto:Thomas.Cinadr@MNHS.ORG]
Sent: Thursday, May 27, 2010 8:42 AM
To: Comer, Travis
Subject: RE: Cultural Resources Database Search

THIS EMAIL IS NOT A PROJECT CLEARANCE.

This message simply reports the results of the cultural resources database search you requested. The database search produced results for only previously known archaeological sites and historic properties. Please read the note below carefully.

Archaeological sites and historic properties were identified in a search of the Minnesota Archaeological Inventory and Historic Structures Inventory for the search area requested. **Reports containing the results of the search are attached.**

The result of this database search provides a listing of recorded archaeological sites and historic architectural properties that are included in the current SHPO databases. Because the majority of archaeological sites in the state and many historic architectural properties have not been recorded, important sites or structures may exist within the search area and may be affected by development projects within that area. Additional research, including field survey, may be necessary to adequately assess the area's potential to contain historic properties.

If you require a comprehensive assessment of a project's potential to impact archaeological sites or historic architectural properties, you may need to hire a qualified archaeologist and/or historian. If you need assistance with a project review, please contact Kelly Gragg-Johnson in Review and Compliance @ 651-259-3455 or by email at kelly.graggjohnson@mnhs.org.

The Minnesota SHPO Survey Manuals and Database Metadata and Contractor Lists can be found at <http://www.mnhs.org/shpo/survey/inventories.htm>

**SHPO research hours are 8:00 AM – 4:00 PM Tuesday-Friday.
The Office is closed on Mondays.**

Tom Cinadr
Survey and Information Management Coordinator
Minnesota State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102

651-259-3453

From: Comer, Travis [mailto:TComer@PIRNIE.COM]
Sent: Wednesday, May 26, 2010 12:34 PM
To: Cinadr, Thomas
Cc: Duehr, Jeremy
Subject: Cultural Resources Database Search

Tom:

I am contacting you to request an update of the cultural resource database search you conducted in the past for a proposed wind farm project in Kandiyohi and Meeker Counties. The TRS information for the updated project boundary is in the attached spreadsheet. I appreciate your assistance in conducting this new search.

Please let me know if you have any questions or comments.

Best regards,

Travis Comer, PWS, AE
Project Environmental Scientist
Environmental Restoration Group

Malcolm Pirnie, Inc.
701 Town Center Drive, Suite 600
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Website



Please consider the environment before printing this e-mail

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Lake Country Wind Energy Boundary Update

Town	Range	Section	
119	32	5-8	
		16-21	
		30	
	33	1-4	
		7-26	
		28-30	
		34	
	120	32	12-13
			24-25
		32	30-33
33	33-36		

History/Architecture Inventory

PROPERTY NAME	ADDRESS	Twp	Range	Sec	Quarters	USGS	Report	NRHP	CEF	DOE	Inventory Number
COUNTY:	Kandiyohi										
CITY/TOWNSHIP:	Atwater										
Atwater Creamery	115 2nd St. N.	119	33	11	NE-NE-NE	Atwater	KH-87-1H				KH-AWC-001
Hedner House	211 2nd St. S.	119	33	11	NE-SE-NE	Atwater	KH-87-1H				KH-AWC-002
First Methodist Church	NW corner 2nd St. S. & Wyoming Ave.	119	33	11	NE-SE-NE	Atwater	KH-87-1H				KH-AWC-003
Security State Bank (Farmers State Bank)	110 3rd St. N.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-004
commercial building	ca. 115 3rd St. N.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-005
Stene Block	ca. 120 3rd St. N.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-006
First Presbyterian Church	SW corner 3rd St. N. & Pleasant Ave.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-007
Martin Olson House	201 3rd St. S.	119	33	11	NW-SE-NE	Atwater	KH-87-1H				KH-AWC-008
house	209 3rd St. S.	119	33	11	NW-SE-NE	Atwater	KH-87-1H				KH-AWC-009
First Lutheran Church	SW corner 3rd St. S. & Wyoming Ave.	119	33	11	NW-SE-NE	Atwater	KH-87-1H				KH-AWC-010
Great Northern Depot	123 4th St. N.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-011
F. Danielson & Sons Flour & Feed	110 Atlantic Ave.	119	33	11	NE-NE-NE	Atwater	KH-87-1H				KH-AWC-012
commercial building	2xx Atlantic Ave.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-013
Walen & Anderson Building	300 Atlantic Ave.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-014
U.S. Post Office	3xx Atlantic Ave.	119	33	11	NW-NE-NE	Atwater	KH-87-1H				KH-AWC-015
Hotel Atwater	322 Atlantic Ave.	119	33	11	NW-NE-NE	Atwater	KH-87-1H	Y			KH-AWC-016
house	104 Main St. N.	119	33	11	NE-NE-NE	Atwater	KH-87-1H				KH-AWC-017
house	115 Main St. N.	119	33	12	NW-NW-NW	Atwater	KH-87-1H				KH-AWC-018
house	301 Main St. N.	119	33	1	SW-SW-SW	Atwater	KH-87-1H				KH-AWC-019
house	310 Main St. N.	119	33	2	SE-SE-SE	Atwater	KH-87-1H				KH-AWC-020
house	411 Main St. N.	119	33	1	NW-SW-SW	Atwater	KH-87-1H				KH-AWC-021
house	500 Main St. N.	119	33	2	NE-SE-SE	Atwater	KH-87-1H				KH-AWC-022

PROPERTY NAME	ADDRESS	Twp	Range	Sec	Quarters	USGS	Report	NRHP	CEF	DOE	Inventory Number
COUNTY: Kandiyohi											
CITY/TOWNSHIP: Atwater											
Bethlehem Lutheran Church	NW corner Main St. S. & Idaho Ave.	119	33	11	SE-SE-NE	Atwater	KH-87-1H				KH-AWC-023
house	209 Pacific Ave.	119	33	11	SW-NE-NE	Atwater	KH-87-1H				KH-AWC-024
Hintz House	100 Pleasant Ave.	119	33	2	SE-SE-SE	Atwater	KH-87-1H				KH-AWC-025
house	202 Pleasant Ave.	119	33	2	SW-SE-SE	Atwater	KH-87-1H				KH-AWC-026
J.S. Gibson House	210 Pleasant Ave.	119	33	2	SW-SE-SE	Atwater	KH-87-1H				KH-AWC-027
CITY/TOWNSHIP: Kandiyohi Twp.											
Capitol Hill Farm/N.P. Freeman Farmstead	off Co. Rd. 134	119	34	25	NE-SE-NE	Little Kandiyohi Lk	KH-87-1H				KH-KDT-002
John Wicklund Farmstead	off Co. Rd. 23	119	34	25	NW-SW	Little Kandiyohi Lk	KH-87-1H				KH-KDT-003

Archaeological Site Locations

Site Number	Site Name	Twp.	Range	Sec.	Quarter Sections	Acres	Phase	Site Description	Tradition	Context	Reports	NR	CEF	DOE
County: Kandiyohi														
21KH0007		119	34	25	C	0		EW		W-2				
21KH0045		119	33	30	NE-SW-SW-NW, NW-SE-SW-NW	3	1	LS						
21KH0048	Carrie Johnson	119	33	30	S-SW-NW-SW	16	1	AS						
	Carrie Johnson	119	34	25	NW-SE-SE,SW-NE- SE,SE-NE-SE,NE- SE-SE	16	1	AS						
County: Meeker														
21MEb		120	32	33	NW	0	5	LS						
21MEd	Helga Lake	120	32	32	C-S-NE	0	5	LS						



Minnesota Department of Natural Resources

Division of Ecological Resources, Box 25

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St. Paul, Minnesota 55155-4025

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

June 16, 2010

Correspondence # ERDB 20090619-0004

Jeremy Duehr
Malcolm Pirnie, Inc.
924 Vista Ridge Lane
Shakopee, MN 55379

RE: Natural Heritage information in the vicinity of the proposed Lake Country Wind Energy,
Kandiyohi and Meeker Counties

Dear Mr. Duehr,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the revised project boundary. Based on this query, several rare features have been documented within the search area (for details, see the enclosed database reports; please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please address the following issues in the Public Utilities Commission (PUC) Site Permit Application for this project:

- The Minnesota County Biological Survey (MCBS) has identified two Sites of Moderate Biodiversity Significance within the proposed project boundary (please see attached map; GIS shapefiles of MCBS Sites of Biodiversity Significance can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us/index.html>). Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as Moderate contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery (please see the enclosed MCBS Guidelines for further information). The Site in the southern half of T119N R32W Section 17 contains an Oak Forest (EO ID #30507 on the enclosed reports) and is one of the largest areas of land in the county. The other Site is along the railroad right-of-way in T119N R32W Section 5. This Site contains a Mesic Prairie, a native plant community that is considered imperiled in Minnesota, and small white lady's-slippers (*Cypripedium candidum*), a state-listed plant of special concern. These ecologically significant sites should be considered avoidance areas. Please contact me if avoidance is not feasible, as a botanical survey may be requested.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological Resources, Department of Natural Resources. The NHIS 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. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

The enclosed results include an Index Report and a Detailed Report of records in the Rare Features Database, the main database of the NHIS. To control the release of specific location information, which might result in the destruction of a rare feature, both reports are copyrighted.

The Index Report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report is for your personal use only as it may include specific location information that is considered nonpublic data under *Minnesota Statutes*, section 84.0872, subd. 2. If you wish to reprint or publish the Detailed Report for any purpose, please contact me to request written permission.**

This letter does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist, Kevin Mixon, at 507-359-6073. Please be aware that additional site assessments or review may be required. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,



Lisa Joyal
Natural Heritage Review Coordinator

enc. Rare Features Database: Index Report
 Rare Features Database: Detail Report
 Rare Features Database Reports: An Explanation of Fields
 MCBS Guidance
 Map

cc: Jamie Schrenzel, DNR
 Kevin Mixon, DNR

Printed June 2010
 Data valid for one year

Minnesota Natural Heritage Information System
Index Report of records within 1 mile radius of:
 ERDB #20090619 - Lake Country Wind
 Multiple TRS
 Kandiyohi and Meeker Counties

Rare Features Database:

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date	EO ID #
Vascular Plant						
<u>Cypripedium candidum</u> (Small White Lady's-slipper) #66 T119N R32W S5, T119N R32W S8; Meeker County		SPC	S3	G4	1982-05-30	4348
<u>Rhynchospora capillacea</u> (Hair-like Beak-rush) #81 T119N R33W S21; Kandiyohi County		THR	S2	G4	2002-08-01	30256
<u>Triglochin palustris</u> (Marsh Arrow-grass) #114 T119N R33W S22, T119N R33W S21; Kandiyohi County		NON	S4	G5	2002-08-01	30255
Terrestrial Community - Other Classification						
<u>Calcareous Fen (Southwestern) Type</u> #62 T119N R33W S21; Kandiyohi County	(NPC Code: OPp93b)	N/A	S2	GNR	2002-08-01	25251
<u>Native Plant Community, Undetermined Class</u> #2410 T119N R32W S17, T119N R32W S20, T119N R32W S21; Meeker County	(NPC Code:)	N/A	SNR	GNR	2002-08-06	30507

Records Printed = 5

Minnesota's endangered species law (*Minnesota Statutes*, section 84.0895) and associated rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of threatened or endangered species without a permit. For plants, taking includes digging or destroying. For animals, taking includes pursuing, capturing, or killing.



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

April 13, 2009

Mr. Jeremy Duehr
Malcolm Pirnie, Inc.
924 Vista Ridge Lane
Shakopee, MN 55379

In re: Lake Country LWECS
Preliminary Review
Kandiyohi and Meeker Counties, MN

Dear Jeremy:

The Minnesota Department of Natural Resources (DNR) has received information concerning the above referenced wind project located in Kandiyohi and Meeker Counties, 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 Dietrich Lange, Kandi, Grovelund, Butternut, Genessee, and Yohi Wildlife Management Area's (WMA) are within or adjacent to the project area. 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/>). In addition, a few small fisheries management areas are also found in the area that are associated with critical habitat.

The area also contains numerous tracts of Waterfowl Production Areas that are managed by the U.S. Fish and Wildlife Service (USFWS). Jill Utrup (920-866-1717 Ext. 1734) of the USFWS needs to be contacted in order to coordinate potential impacts and setbacks from these federally managed lands. In addition, you should also inquire about any USFWS conservation easements that may occur in the project area.

The project area contains numerous areas enrolled in the Conservation Reserve Program (CRP) and Reinvest in Minnesota areas 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 project area contains past occurrences of species of special concern as tracked by the Minnesota Natural Heritage Information System (NHIS). The project area contains 1 bald eagle (*Haliaeetus leucocephalus*) nest, short-eared owl (*Asio flammeus*), and other species records. Immediately adjacent to the project area are past records of three bald eagle nests, a colonial bird nesting site, and other additional species. The area is also known to be used by common loons (*Gavia immer*), tundra swans (*Cygnus columbianus*), white pelicans (*Pelecanus erythrorhynchos*), and high concentrations of waterfowl species. Information pertaining to the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act can be found at: <http://www.fws.gov/midwest/eagle/guidelines/index.html>.

In the spring of 2010 the project area needs to be surveyed for activity at the existing bald eagle nests and the project area searched for any new bald eagle nests that may be established that could potentially be impacted by this project. The surveys should be repeated yearly until all three project phases are constructed. The survey should be conducted from March 1 – April 15 in order to detect nests prior to leaf out. The survey and reporting methods should be reviewed by the DNR prior to implementation. The USFWS should be contacted in order to establish the appropriate setback distance from each nest.

A survey proposal needs to be developed in order to determine primary flight paths of birds in relation to proposed turbine locations. The study should be conducted from March 15 to July 1 in order to capture spring migration and nesting bald eagle activity in 2010. The draft survey proposal should be reviewed and agreed upon with the DNR prior to implementing the surveys.

The NHIS tracks important information on the distribution of rare natural plants, animals and biological communities throughout Minnesota. Additional species and habitats are located within the project area and Lisa Joyal (651-259-5109) will be providing additional information concerning other locations to be avoided and surveys that may be required.

A review of the project area for any pastureland that may contain native prairie should be conducted prior to submitting the project for a permit. Locating these native prairies is not always easy and does not automatically signal project modifications. We recommend hiring an accredited prairie specialist or contacting the local DNR Area Wildlife manager to complete a site review.

Numerous Public Waters are within the project area and further coordination is required with the DNR Division of Lands and Minerals if any of these areas are to be crossed or impacted, as you may need a License for Utility Crossing or other permit. For information on where the Public Waters are located in your project area go to the following site and click on the Public Waters Inventory (PWI) Maps Download button: http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/download.html.

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).

The Minnesota Pollution Control Agency issues the National Pollution Discharge and Elimination System/State Disposal System permit in order to control stormwater runoff from construction sites. Information on the permit process can be obtained at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>.

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.

Based on the Public Waters Inventory and National Wetland Inventory maps the area contains a high number of wetlands. A detailed review of potential wetland impacts is recommended in order to evaluate potential impacts associated with turbine placement, transmission lines, substations, access roads, and any other infrastructure.

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 Post-Construction Report Guidelines (attached) include the information that should be contained in the reports and where they should be sent. An additional year of surveys are recommended if any bald eagles, tundra swans, white pelicans, or state or federal listed species are killed due to operation of the wind farm.

In order to assess the potential impact of mortality due to the operation of the turbines the DNR recommends both Phase I and II be monitored for mortality for 2 years. The data from Phase I and II would be used to determine how impacts can be further avoided or minimized for Phase II and III.

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.

Wind projects disturb soils, surface water and associated ground cover. These disturbances create openings for invasive species that quickly colonize these sites putting adjoining lands and habitat at risk. In addition, this can cause erosion and sedimentation into adjacent waters. The DNR, Soil and Water Conservation District, Minnesota Pollution Control Agency or the Department of Agriculture may recommend BMP's for different areas of the project. These BMP practices help address construction and maintenances activities to minimize impacts to soil, water and existing ground cover. The BMP's may also provide site restoration recommendations.

The US Fish and Wildlife Service guidelines to avoid and minimize impacts to wildlife from wind development should be adhered to as part of the project. The guidelines and additional information can be found at the following site:

[http://www.fws.gov/habitatconservation/Service Interim Guidelines. PDF](http://www.fws.gov/habitatconservation/Service%20Interim%20Guidelines.PDF)

The project area (and adjoining properties) contains numerous Wildlife Management Areas, Waterfowl Production Areas, bald eagle nests, numerous NHIS tracked species and habitats, public waters, wetlands, Conservation Reserve Program areas, and Reinvest in Minnesota easements. The concentration of high value habitats and state and federal properties managed for wildlife and recreation make this area a questionable location for a Large Wind Energy Conversion System. In order to address the above referenced issues, prior to submitting the LWECS site application, a meeting needs to occur. The meeting needs to address all of the identified issues and how the company plans to avoid and minimize impacts. The company should provide mapping at the meeting that has all of the setbacks shown. The discussion should also involve alternatives that reduce the number of turbines, access roads, transmission lines, etc. that would be in the project area.

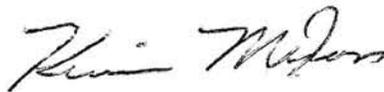
Mr. Jeremy Deuhr

-5-

April 13, 2009

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,



Kevin Mixon
Regional Environmental Assessment Ecologist
Division of Ecological Services

Cc: Lisa Joyal, DNR
Matt Langan, DNR
— John Schladweiler, DNR
Ken Varland, DNR
Leroy Dalke, DNR
Bob Hobart, DNR
Jack Lauer, DNR
Mark Matuska, DNR
Jill Utrup, U.S. FWS

April 28, 2010

Mr. Rich Davis
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 American Boulevard East
Bloomington, MN 55425-1665

Mr. Kevin Mixon
Minnesota Department of Natural Resources
Division of Ecological Services – Region 4
261 Hwy 15 South
New Ulm, MN 56073-8915

Re: Avian impact assessment protocol for Lake Country Wind Energy, LLC's proposed 40 MW Large Wind Energy Conversion System in Kandiyohi and Meeker Counties, Minnesota.

Dear Mr. Davis and Mr. Mixon:

On February 13, 2009, Lake Country Wind Energy, LLC (Lake Country) requested comments on its proposed 340 MW Large Wind Energy Conversion System (LWECS) in Kandiyohi and Meeker Counties, MN. The Minnesota Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (USFWS) provided comment letters on July 30, 2009 and April 13, 2009, respectively. The purpose of this letter is to provide an update on Lake Country's proposed LWECS, i.e., its refinement of the Project Area from a 340 MW footprint to a 40 MW footprint, and to request an informational meeting with the DNR and USFWS to discuss Lake Country's Avian Impact Assessment Protocol (attached).

The DNR and USFWS letters both contained comments related to lands managed for fish and wildlife, including: Wildlife Management Areas (WMA), Reinvest in Minnesota (RIM) easements, Waterfowl Production Areas (WPA), Conservation Reserve Program (CRP) easements, and other USFWS easements. Lake Country received location information for the above listed lands from the DNR data deli and the USFWS Litchfield office and has updated its project mapping accordingly.

The DNR and USFWS correspondence also indicated that one state or federally listed threatened or endangered species was found for the Project Area. Hair-like beak rush is a state threatened plant that was documented in a calcareous fen in Section 21 of Genesee Township, Kandiyohi County in 2002. No other threatened or endangered species has been documented in the Project Area. Multiple bird species of special concern have been documented in the Project Area including short-eared owl and bald eagle. Past records of bald eagle nests indicate one nest within the 340 MW Project Area and three nests adjacent to the 340 MW Project Area.

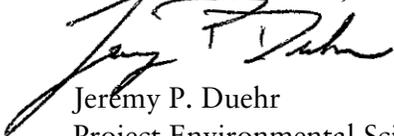
In consideration of the information provided by the DNR and the USFWS as well as information gathered by its consultants, Lake Country has reduced the project size and its associated footprint from a 340 MW project to a 40 MW project (Figure 1). The reduction in the project footprint has subsequently excluded WMAs, WPAs, and all parcels with RIM easements from the 40 MW Project Area. One parcel with an USFWS easement remains in the Project Area. Additional parcels in the CRP remain in the Project Area, but their presence has been limited to the extent practicable. The current project footprint also excludes all bald eagle nests known to exist within and adjacent to the Project Area. After accounting for setbacks, the nearest buildable area is over one mile from a known bald eagle nest.

Lake Country has also initiated an avian impact assessment at the site to better understand potential for impacts to bird resources and to guide it in the design of the proposed Project to avoid impacts to the extent practicable. During the development of its avian impact assessment protocol, Lake Country considered the recommendations of the DNR, USFWS, and the March 1, 2010 Wind Turbine Advisory Committee Guidelines. Lake Country's proposed avian impact assessment can briefly be summarized as including raptor nest surveys, bald eagle nest monitoring, point count surveys, and flight line surveys. The field portions of the avian impact assessment span from March 1 to July 1, 2010. Lake Country has designed its assessment to be consistent with other wind farm survey protocols in order to facilitate comparison with the level of risk at other wind farms. Additional details of Lake Country's avian impact assessment can be found in the attached protocol document.

Lake Country is interested in continuing to work collaboratively with the DNR and USFWS in order to address natural resource issues during project development. To that end, Lake Country requests a meeting with the DNR and USFWS at the USFWS Ecological Services office in Bloomington, MN in order to discuss Lake Country's project updates and the attached avian impact assessment methodologies. If you have any questions or comments please contact me at 952-496-2499.

Very truly yours,

MALCOLM PIRNIE, INC.

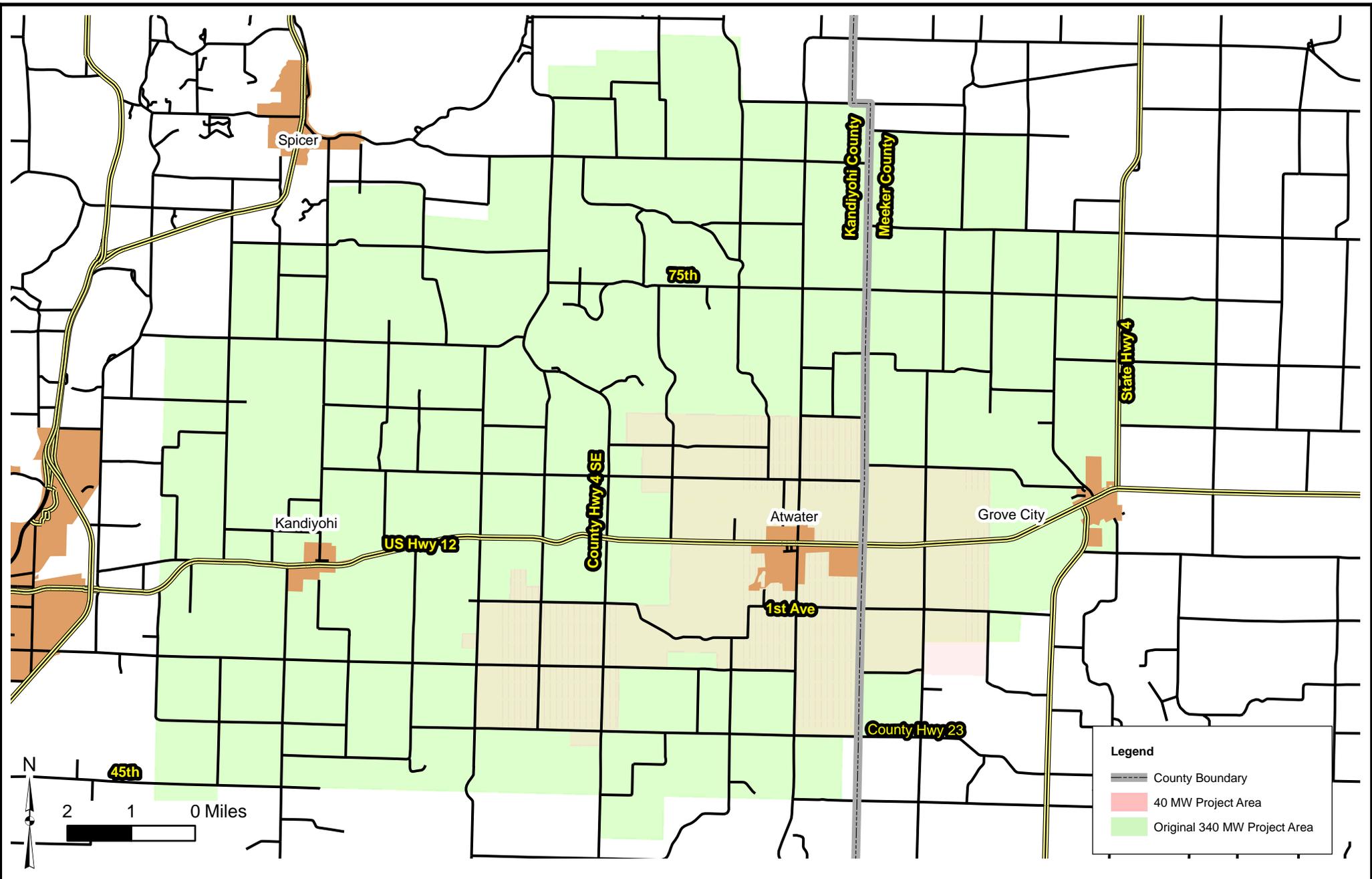


Jeremy P. Duehr
Project Environmental Scientist

Cc: Chuck Burdick, National Wind, LLC
Sarah Stai, EcoSmith Consulting

Enclosures
6523-003





Lake Country Wind Energy, LLC
 Lake Country Avian Survey

Project Area

MALCOLM PIRNIE, INC.

4/14/10
 FIGURE 1



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

May 3, 2010

Mr. Jeremy Duehr
Malcolm Pirnie, Inc.
924 Vista Ridge Lane
Shakopee, MN 55379

In re: Lake Country LWECS (40MW)
Pre-Site Application Meeting
Kandiyohi and Meeker Counties, MN

Dear Jeremy:

The Minnesota Department of Natural Resources (DNR) would like to thank the Lake Country project team for meeting with us on April 29, 2010 to discuss ongoing wildlife surveys. The surveys will provide data to help determine the potential risk to wildlife from the project. The potential impacts to wildlife have been reduced since the size of the project has changed from 340 MW to a 40 MW site with a project area that is substantially smaller in size.

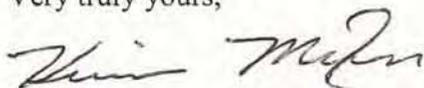
The Natural Heritage Information System (NHIS) tracks important information on the distribution of rare natural plants, animals and biological communities throughout Minnesota. An updated NHIS review should be conducted prior to applying for the Public Utilities Commission Site Application Permit.

As discussed at the meeting, please provide a confirmation as to the distance of proposed turbines from the Public Waters that are located within the project area. Public Waters are considered high value habitat that can concentrate birds and bats in the area and potential for higher mortality exists when turbines are constructed in close proximity. In addition, the State of Minnesota has ownership rights associated with the bed of navigable waters. Navigable waters are when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade or travel are or may be conducted. The test of navigability is as of 1858, when Minnesota entered the union, and is based on the customary modes of trade and travel on water at that time. The DNR recommends a 5 rotor diameter (dominant wind direction) and 3 rotor diameter (non-dominant wind direction) distance be established from Public Waters in order to reduce potential mortality to birds and bats and to ensure the State of Minnesota ownership rights are not infringed upon. For more information on riparian and navigable waters go the link and click on "Laws: Questions and Answers about Minnesota Water Laws": <http://www.dnr.state.mn.us/publications/waters/index.html#brochures>.

The project area is considered to be high risk for potential mortality to birds and bats due to the high number of wetlands and lakes, large blocks of grassland habitat, presence of bald eagle nests in the general vicinity of the project, and species migrating through the project area. The DNR recommends a collaborative approach be considered among Lake Country, Department of Natural Resources, U.S. Fish & Wildlife Service, and the Office of Energy Security to facilitate mortality surveys.

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,



Kevin Mixon
Regional Environmental Assessment Ecologist
Division of Ecological Resources

Cc: Lisa Joyal, DNR
John Schladweiler, DNR
Ken Varland, DNR
Paul Hansen, DNR
Jamie Schrenzel, DNR
Randall Doneen, DNR
Leroy Dalke, DNR
Bob Hobart, DNR
Rich Davis, U.S. FWS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

July 30, 2009

Mr. Jeremy Duehr
Malcolm Pirnie
924 Vista Ridge Lane
Shakopee, MN 55379

re: Request for environmental review
Lake Country Wind Farm
Kandiyohi and Meeker Counties,

Minnesota

Dear Mr. Duehr:

This letter is in reference to your request dated February 13, 2009 for information on fish and wildlife resources that may be affected by the proposed Lake Country wind farm project in Kandiyohi and Meeker Counties, Minnesota. These comments are provided under the authority of the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.) and the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Federally-listed Species and Candidate Species

We currently have no records of federally-listed threatened or endangered species or critical habitat at the project site. However, please be aware that over time, habitats near the project site may be utilized by listed or proposed species not present at this time. Therefore, if there is a time lag of more than 6 months between plan completion and execution, it is important to reassess the impact of the project on federally-listed or proposed species or designated critical habitat prior to start of construction activities.

Migratory Birds and Bats

The Migratory Bird Treaty Act (MBTA), as amended, prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of Interior. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible. We encourage the implementation of recommendations that minimize the potential impacts to migratory birds and bats.

There are several records of active bald eagle nests within and adjacent to the project area. The bald eagle is protected under the MBTA and Bald and Golden Eagle Protection Act. Monitoring should be conducted to assess the daily movement patterns of any species of raptor whose nest is located within 2 miles of the proposed site. During the incubation and rearing stage the location of adult birds should be tracked for at least 4 hours twice per week until consistent activity patterns are established. This monitoring should be conducted between March 1 and April 15 (as recommended by the Minnesota DNR). Information collected will be used to document how frequently the birds enter the proposed turbine facility. A formal risk assessment/model should be developed to determine whether particular turbines may pose a more substantial risk.

Please see Appendix I for general recommendations with regard to wildlife and wind farm installation. We recommend that the Lake Country wind farm adopt those guidelines to minimize impacts to migratory birds and bats.

Comments Specific to Project Area Wildlife and Habitat

There are several Waterfowl Production Areas (WPA), Service leased land parcels, and Partners for Fish and Wildlife projects, in addition to state-owned land (e.g., Wildlife Management Areas) that are within the proposed project boundary. You received several maps depicting locations of Service leased, owned, and restored lands from the Service's Litchfield Management District. These federal and state properties are extremely valuable for migrating and breeding birds in providing stop-over and breeding habitat. We recommend that turbines be located at minimum $\frac{1}{2}$ mile from any federal and state (owned or leased) lands, as well as $\frac{1}{4}$ mile from federally- or state-funded restoration/enhancement projects (e.g., Conservation Reserve Program, Wetland Reserve Program, Partners for Fish and Wildlife; depending on results from pre-construction surveys).

The Service recommends that impacts to streams and wetlands be avoided, and buffers surrounding these systems be maintained. Streams, wetlands and vegetated buffers provide valuable habitat for fish and wildlife resources, and the filtering capacity of wetlands helps to improve water quality. If streams and /or wetlands are proposed to be impacted, the U.S. Army Corps of Engineers should be contacted to determine if permits are necessary. Before applying for a section 404 permit, we recommend that project alternatives are selected that avoid and minimize impacts to streams or wetlands.

Bird/Bat Survey Protocol

The Service recommends that the project proponent conduct rigorous assessments of bird and bat use of the area before proceeding with project design (i.e., preliminary siting of specific turbines), especially due to the project being proposed within an area with a high concentration of lakes, wetlands, and streams. We have not yet seen a proposed protocol for bird/bat surveys at this site. We encourage Lake Country Wind Energy, LLC to apply consistency with other wind farm survey protocols, thus allowing us to compare results with other wind farm survey data. These comparisons will potentially provide valuable information that can be applied in future wind farm/turbine macro- and micro-siting.

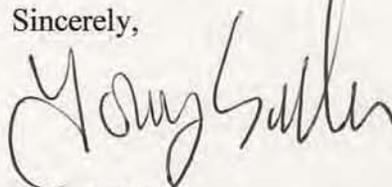
In addition to on-the-ground (point or transect) surveys, we recommend that the assessments include the use of mobile horizontally and vertically scanning radar to study the direction, altitude, and numbers of flying animals moving through and within the project area during the fall and spring migration of birds and bats, and the breeding period of birds in the area. We recommend that radar be employed for 24 hours a day, 7 days per week during migration and at a minimum from dawn to dusk during the breeding period. Radar studies are providing useful information in evaluating bird and bat activity at wind generation sites in Wisconsin, Vermont, Massachusetts, and other locations. The use of radar coupled with ground-truthing (surveys) can provide a more complete assessment of bird and bat use of a potential wind project area than point counts or other traditional survey methods alone. Such information could inform project design and minimize potential mortality associated with the project.

The Service recommends the project be monitored post-construction to determine impacts to migratory birds and bats. A specific post-construction monitoring plan should be prepared and reviewed by the Service and should include a scientifically robust, peer reviewed methodology of mortality surveys. We recommend that surveys be conducted for a minimum of three years following construction to assess impacts to birds and bats. We also recommend that the post-construction mortality studies be conducted by an independent third party contractor with expertise in bird/bat mortality monitoring. Results of mortality surveys and other forms of monitoring should be used to adjust operations to reduce mortality if necessary and feasible, as well as improve design and siting of future wind generation facilities. Lake Country Wind Energy LLC or its contractor should provide to this office each year, no later than December 31, copies of annual bird/bat mortality monitoring reports.

Please provide us copies of any future documents that may be associated with this project, in particular, please send your bird/bat survey protocol.

Thank you for the opportunity to review the proposed project. We look forward to continuing to work with you, specifically with regard to the pre-and post-construction survey process. Should you have questions concerning this response, please contact Jill Utrup by telephone at (920) 866-1734 or Rich Davis at (612) 725-3548, ext. 2214 .

Sincerely,



Tony Sullins
Field Supervisor

Enclosure

cc: Kevin Mixon, Minnesota DNR
John Schladweiler, Minnesota DNR
Scott Glup, FWS, Litchfield Wetland Management District

Appendix I

Recommended Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines

Although the Service supports the continued development of wind power, wind farms can adversely impact wildlife and associated habitat. The Service is especially interested in minimizing the potential adverse impact with regard to birds and bats. In the fall of 2003 and 2004, it was estimated that thousands of migrating bats were killed each year at wind farms in West Virginia and Tennessee. Similar, but smaller mortality events have occurred at wind farms in several other states, including Pennsylvania and Minnesota. Similar numbers of birds are estimated to be killed each year at wind farms throughout the country. To assist in developing best practices for siting and monitoring of wind farms, the Service published *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines*. The Guidelines provide the following recommendations:

- 1) Pre-development evaluations of potential wind farm sites to be conducted by a team of Federal and/or State agency wildlife professionals with no vested interest in potential sites;
- 2) Ranking potential sites by risk to wildlife;
- 3) Avoid placing turbines in documented locations of federally-listed species;
- 4) Avoid locating turbines in known bird flyways or migration pathways, or near areas of high bird concentrations (i.e., rookeries, leks, refuges, riparian corridors, etc.);
- 5) Avoid locating turbines near known bat hibernation, breeding, or maternity colonies, in migration corridors, or in flight paths between colonies and feeding areas;
- 6) Configure turbine arrays to avoid potential avian mortality where feasible. Implement storm water management practices that do not create attractions for birds, and maintain contiguous habitat for area-sensitive species;
- 7) Avoid fragmenting large, contiguous tracts of wildlife habitat;
- 8) Use tubular supports with pointed tops rather than lattice supports to minimize bird perching and nesting opportunities;
- 9) If taller turbines (top of rotor-swept area is greater than 199 feet above ground level) require lights for aviation safety, the minimum amount of lighting specified by the Federal Aviation Administration (FAA) should be used. Unless otherwise requested by the FAA, only white strobe lights should be used at night, and should be of the minimum intensity and frequency of flashes allowable. Red lights should not be used, as they appear to attract night-migrating birds at a higher rate than white lights;
- 10) Adjust tower height to reduce risk of strikes in areas of high risk for wildlife.

The full text of the guidelines is available at <http://www.fws.gov/r9dhcbfa/wind.pdf>. The Service believes that implementing these guidelines may help reduce mortality caused by wind turbines. We encourage you to consider these guidelines in the planning and design of your project. We particularly encourage you to place turbines away from wetland or wooded areas, and avoid placing turbines between nearby habitat blocks. Because of their attractiveness to birds and bats, we recommend that turbines, from the outside edge of the rotor swept area, be located no closer than 100 meters from streams or other water bodies, riparian areas, and wooded edges. Minimum distance from turbines should be increased with the size and habitat quality of the resource.

Development of transmission infrastructure associated with wind facilities also poses risks to wildlife. These risks include potential avian mortality, particularly electrocution of raptors (hawks, eagles, kites, falcons, and owls), that could occur when they attempt to perch on uninsulated or unguarded power poles. Recently published information about which types of power line poles and associated hardware (e.g., wires, transformers and conductors) pose the greatest danger of electrocution to raptors and what modifications can be made to reduce this threat can be found on the internet at <http://www.aplic.org/>

Duehr, Jeremy

From: Richard_Davis@fws.gov
Sent: Tuesday, May 18, 2010 2:00 PM
To: Duehr, Jeremy
Cc: Tony_Sullins@fws.gov
Subject: Lake Country Wind Energy LLC - Additional USFWS Comments

Hello Jeremy,

I wanted to follow up on comments I made at our April 29th meeting regarding additional avian survey work for the Lake Country Wind Energy Project. The Service understands that the point counts, incidental observations, and flight line surveys for this project will be completed until July 2, 2010. The Service recommends extending survey efforts for the Lake Country Project should the local nesting bald eagles be observed in the proposed project area on a regular basis prior to the survey termination date of July 2, 2010.

I also made the recommendation to complete fall surveys within and adjacent to the project area. In hopes that the fall surveys would pick up migration patterns in the area, and also the movement of local birds as their foraging areas may change throughout the spring, summer, and fall months.

I will provide you with an official letter from our office for your records, which will reflect the content of this email. The Service appreciates efforts made by your client and your company in evaluating the potential avian impacts of the Lake Country Wind Project.

Thank you,

Rich Davis

Richard Davis
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 American Blvd. E.
Bloomington, MN 55425
(612)725-3548 ext. 2214