

APPENDIX B
Data Request Letters and Agency Responses



August 5, 2011

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

Re: Community Wind South LWECS
WSB Project No. 2033-000

Dear Mr. Colvin:

On behalf of Community Wind South, LLC, we are completing the necessary environmental review for the proposed Community Wind South Large Wind Energy Conversion System. The Project is located in central Nobles County, approximately two miles south of Wilmont, 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. The proposed Project involves the construction of 15 REPower 2.0 MW wind turbines with rotor diameters of 92.5 meters and a hub height of either 80 or 100 meters and with a nameplate capacity of 30 megawatts. Attached are a project location map (**Figure 1**) and preliminary turbine layout (**Figure 2**). 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 763-231-4847 or aharwood@wsbeng.com

Sincerely,

WSB & Associates, Inc.

Alison Harwood
Environmental Scientist

Attachments

cc: Kevin Mixon, Department of Natural Resources
Tom Kresko, Department of Natural Resources
Mark Willers, Minwind, LLC

Minneapolis ■ St. Cloud
Equal Opportunity Employer

Minnesota Department of Natural Resources

Southern Region • 261 Highway 15 South • New Ulm, MN • 56073
Phone: (507) 359-6073 Fax: (507) 359-6018 E-mail: kevin.mixon@state.mn.us



August 31, 2011

Mrs. Alison Harwood
WSB & Associates, Inc.
701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416

RECEIVED
SEP 1 2011
WSB & ASSOCIATES

In re: Community Wind South LWECS
Preliminary Review
Nobles County, MN

Dear Alison:

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 DNR considers the project area to be low risk for impacts to birds or bats due to the lack of high value natural resources in the area. As such, the DNR is not recommending any pre-construction wildlife surveys at this time. The DNR may reconsider this position if the project area changes or if new information concerning the presence of wildlife becomes available during project planning or development.

Conservation Reserve Program (CRP) properties are located within the project boundary. Contact the Farm Service Agency located in the county(s) where the project is occurring to coordinate the locations and potential issues concerning these properties (<http://www.fsa.usda.gov/FSA/stateoffapp?mystate=mn&area=home&subject=landing&topic=landing>). The DNR encourages the placement of turbines outside of CRP properties. Coordination should also occur with the USFWS concerning any conservation easements that are under their jurisdiction.

Project developers crossing (over, under, or across) any state land or public water with any utility (power lines, including feeder lines) need to secure a DNR license to cross (Minnesota Statue 84.415). Information on how to obtain a License for Utility can be found at http://www.dnr.state.mn.us/permits/utility_crossing/index.html. 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.

The Draft United States Fish & Wildlife Service (USFWS) Land-Based Wind Energy Guidelines are currently under review by the Secretary of Interior. The wind industry will be encouraged to review and consider the Draft USFWS Guidelines during project development. The Draft USFWS Guidelines can be viewed at:
http://www.fws.gov/windenergy/docs/Final_Wind_Energy_Guidelines_2_8_11_CLEAN.pdf.

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 and Water Resources

Cc: Lisa Joyal, DNR
Jamie Schrenzel, DNR
Skip Wright, DNR
Wendy Krueger, DNR
Bob Hobart, DNR
Karla Ihns, DNR
Lisa Gelvin-Innvaer, DNR
Laurinda Brown, DNR
Rich Davis, USFWS
Deb Pile, EFP
Ingrid Bjorklund, EFP



August 5, 2011

Ms. Amy Dykema
USDA, Farm Service Agency
Nobles County FSA Office
1567 North McMillan, Suite 1
Worthington, MN 56187

Re: Community Wind South LWECS
WSB Project No. 2033-000

Dear Ms. Dykema:

On behalf of Community Wind South, LLC, we are completing the necessary environmental review for the proposed Community Wind South Large Wind Energy Conversion System. The Project is located in central Nobles County, approximately two miles south of Wilmont, Minnesota (**Figure 1**). 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.

The proposed Project involves the construction of 15 REPower 2.0 MW wind turbines with rotor diameters of 92.5 meters and a hub height of either 80 or 100 meters and with a nameplate capacity of 30 megawatts. Attached are a project location map (**Figure 1**) and preliminary turbine layout (**Figure 2**). 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 763-231-4847 or aharwood@wsbeng.com.

Sincerely,

WSB & Associates, Inc.

Alison Harwood
Environmental Scientist

Attachments

cc: Mark Willers, Minwind, LLC



Memorandum

To: 2033-000 File

From: Alison Harwood, WSB & Associates, Inc

Date: August 16, 2011

Re: Community Wind South: Nobles County Permitting Requirements

Per a phone conversation with Mr. Joe Christoph of the Natural Resources Conservation Service, the Project will not need to conform to the Farmland Protection Policy Act (FPPA) if it is not Federally-funded. Information available on the NRCS's Web Soil Survey website will be sufficient for evaluating the presence of prime farmland soils.

Mr. Christoph can be reached at (507) 537-0541 x105.



August 5, 2011

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

Re: Community Wind South LWECS
WSB Project No. 2033-000

Dear Mr. Smith:

On behalf of Community Wind South, LLC, we are completing the necessary environmental review for the proposed Community Wind South Large Wind Energy Conversion System. The Project is located in central Nobles County, approximately two miles south of Wilmont, Minnesota (**Figure 1**). As part of the planning phase of the Project, we are collecting information that may be available from the County regarding planning or 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.

The proposed Project involves the construction of 15 REPower 2.0 MW wind turbines with rotor diameters of 92.5 meters and a hub height of either 80 or 100 meters and with a nameplate capacity of 30 megawatts. Attached are a project location map (**Figure 1**) and preliminary turbine layout (**Figure 2**).

Please mail, email, or call me with any information or questions you may have at 763-231-4847 or aharwood@wsbeng.com.

Sincerely,

WSB & Associates, Inc.

Alison Harwood
Environmental Scientist

Attachments

cc: Mark Willers, Minwind, LLC



Engineering ■ Planning ■ Environmental ■ Construction

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

Memorandum

To: 2033-000 File

From: Alison Harwood, WSB & Associates, Inc

Date: August 22, 2011

Re: Community Wind South: Nobles County Permitting Requirements

Per a phone conversation with Mr. Wayne Smith of Nobles County Planning and Zoning, the County will require conditional use permits for any Project facilities other than the turbines themselves (e.g., turbine laydown areas, production facilities, etc). In general, the Permittee must show that facilities are in a safe area. The timeframe for permitting such areas is approximately 60 days.

Mr. Smith can be reached at (507) 295-5322.



August 5, 2011

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

Re: Community Wind South LWECS
WSB Project No. 2033-000

Dear Mr. Lenz:

On behalf of Community Wind South, LLC, we are completing the necessary environmental review for the proposed Community Wind South Large Wind Energy Conversion System. The Project is located in central Nobles County, approximately two miles south of Wilmont, Minnesota (**Figure 1**). 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.

The proposed Project involves the construction of 15 REPower 2.0 MW wind turbines with rotor diameters of 92.5 meters and a hub height of either 80 or 100 meters and with a nameplate capacity of 30 megawatts. Attached are a project location map (**Figure 1**) and preliminary turbine layout (**Figure 2**). 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 763-231-4847 or aharwood@wsbeng.com.

Sincerely,

WSB & Associates, Inc.

Alison Harwood
Environmental Scientist

Attachments

cc: Mark Willers, Minwind, LLC



For Agency Use Only:		#Sec _____ Contact Rqsted? _____
Received _____ Due _____ RUSH Inv _____		#EOs _____ Survey Rqsted? _____
Search Radius _____ mi. ER / All Map'd _____		#Com _____
NoR / NoF / NoE / Std / Sub Let _____ Log out _____		Related ERDB# _____

NATURAL HERITAGE INFORMATION SYSTEM (NHIS) DATA REQUEST FORM

Please read the instructions on page 3 before filling out the form. Thank you!

WHO IS REQUESTING THE INFORMATION?

Name and Title Alison Harwood, Environmental Scientist

Agency/Company WSB & Associates, Inc

Mailing Address 701 Xenia Ave South, Suite 300 Minneapolis MN 55416
(Street) (City) (State) (Zip Code)

Phone 763-231-4847 e-mail aharwood@wsbeng.com Responses will be sent via email. If you prefer US Mail check here:

THIS INFORMATION IS BEING REQUESTED FOR A:

- Federal EA State EAW PUC Site Application Watershed Plan
 Federal EIS State EIS Local Government Permit Research Project
 NEPA Checklist AUAR
 Other (describe) LWECS Site Permit

INFORMATION WE NEED FROM YOU:

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

For Agency Use: Region / MCBS Status	County	Township #	Range #	Section(s) (please list all sections)	For Agency Use: TRS Confirmed <input type="checkbox"/>
	Nobles	103	41	17, 18, 19, 20, 30	
	Nobles	103	42	13, 23, 24	

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

Project Name: Community Wind South

Project Proposer: Community Wind, LLC

Description of Project (including types of disturbance anticipated from the project):

The Community Wind South project will involve the installation of 15 REPower 2.0 megawatt wind turbines in Nobles County, Minnesota. The project will result in a nameplate capacity of 30 megawatts. The project area is 3,080 acres in size and is located approximately 2 miles south of the town of Wilmont, Minnesota. The wind turbines have a 92.5 meter rotor diameter, and the hub height will be either 80 and 100 meters. Each turbine will require an access road for construction activities and post-installation maintenance. High voltage transmission lines will be installed both above and below ground to connect the turbines to a local substation.

Describe the existing land use of the project site. What types of land cover/habitat will be impacted by the proposed project?

The existing land use is primarily agricultural row crop. Approximately 8% of the project area is grassland, though these areas are highly fragmented and disturbed. Small patches of woodland also exist throughout the project, primarily as windbreaks for homes. Some wetlands occur throughout the project area, but many have been drained to allow farming. Potential impacts are anticipated to occur within the agricultural land.

List any waterbodies (e.g., rivers, intermittent streams, lakes, wetlands) that may be affected by the proposed project, and how they may be impacted (e.g., dewatering, discharge, riverbed disturbance).

Three streams/ditches occur within the project area along with many wetlands. Some of these waterbodies may be impacted by temporary dewatering.

To your knowledge, has the project undergone a previous Natural Heritage review? If so, please list the correspondence #: ERDB # _____. How does this request differ from the previous request (e.g., change in scope, change in boundary, project being revived, project expansion, different phase)?

N/A

To your knowledge, have any native plant community or rare species surveys been conducted within the site? If so, please list: N/A

List any DNR Permits or Licenses that you will be applying for or have already applied for as part of this project:

DNR Public Waters Work Permit, DNR Dewatering Permit, License to Cross Public Lands and Waters

INFORMATION WE PROVIDE TO YOU

1) The response will include a Natural Heritage letter. If applicable, the letter will discuss potential impacts to rare features.

- Check here if this information is being requested for a formal environmental review document (e.g., EAW, EIS) and your company/agency has a staff ecologist who will be making the impact determination and you do not want DNR staff to provide any interpretation of impacts.

2) The response will also include an Index Report of known aggregation sites and known occurrences of federally and state-listed plants and animals* within an approximate one-mile radius of the project boundary/area of interest.

- Check here if you would also like geologic features and rare species with no legal status included in the report.

3) If desired, a Detailed Report that contains more information on each occurrence can be obtained. Please note that the Detailed Report may contain specific location information that is protected under *Minnesota Statutes*, section 84.0872, subd. 2, and, as such, the Detailed Report may not be included in any public document (e.g., an EAW). The Index Report and Natural Heritage letter can be included in any public environmental review document.

- Check here if you would also like to receive a Detailed Report.

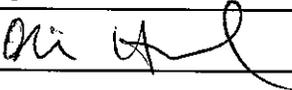
FEES/TURNAROUND TIME

There is a fee* for this service. Requests generally take 3-4 weeks from date of receipt to process, and are processed in the order received. Rush requests* are processed in 2 weeks or less if workloads allow, but are not guaranteed.

- Check here to RUSH this request. You will be charged an additional \$50.

I have read the entire form, and the information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Division of Ecological Resources, Minnesota Department of Natural Resources, as the source of the material.

Signature
(required)



Note: Digital signatures representing the name of a person shall be sufficient to show that such person has signed this document.

Mail or email completed form to:

Lisa Joyal, Natural Heritage Review Coordinator
Division of Ecological Resources
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Minnesota 55155
lisa.joyal@state.mn.us

Form is available at

http://files.dnr.state.mn.us/eco/nhnrp/nhis_data_request.pdf

Revised July 2009



Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

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

September 23, 2011

Correspondence # ERDB 20120036

Ms. Alison Harwood
WSB & Associates, Inc.
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416

RE: Natural Heritage Review of the proposed Community Wind South;
T103N R41W Sections 17-20 & 30 and T103N R42W Sections 13, 23, & 24; Nobles County

Dear Ms. Harwood,

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 proposed project. Based on this query, 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 note that the following **rare features may be adversely affected** by the proposed project:

- The creeks within the project boundary flow into waters that are federally designated as critical habitat for the Topeka shiner (*Notropis topeka*), a federally-listed endangered and state-listed special concern fish species. Topeka shiners are adversely impacted by actions that alter stream hydrology or decrease water quality. To minimize potential impacts, please see the enclosed recommendations for working in Topeka shiner habitat. Given the federal status of this species, I also recommend that you coordinate with the U.S. Fish & Wildlife Service's Twin Cities Field Office (612-725-3548) regarding this project.

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 and Water 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.

For environmental review purposes, the Natural Heritage letter and database reports are valid for one year; they are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or if an updated review is needed.

Please note that locations of the gray wolf (*Canis lupus*), federally-listed as threatened and state-listed as special concern, and the Canada lynx (*Lynx canadensis*), federally-listed as threatened, are not currently tracked in the NHIS. As such, the Natural Heritage Review does not address these species.

Furthermore, the Natural Heritage Review 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 (contact information available at http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html). 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. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal
Natural Heritage Review Coordinator

enc. Rare Features Database: Index Report
 Rare Features Database: Detailed Report
 Rare Features Database Reports: An Explanation of Fields
 Topeka Shiner Guidelines

cc: Kevin Mixon
 Lisa Gelvin-Innvaer

Printed August 2011
 Data valid for one year

Minnesota Natural Heritage Information System
Index Report of records within 1 mile radius of:
 ERDB #20120036 - Community Wind South
 Multiple TRS
 Nobles County

Rare Features Database:

Element Name and Occurrence Number	Federal Status	MN Status	State Rank	Global Rank	Last Observed Date	EO ID #
Vertebrate Animal						
<u>Notropis topeka</u> (Topeka Shiner) #93 T103N R42W S35, T102N R42W S1, T102N R42W S2; Nobles County	LE	SPC	S3	G3	1999-09-01	25652
<u>Notropis topeka</u> (Topeka Shiner) #128 T102N R41W S5, T103N R41W S32; Nobles County	LE	SPC	S3	G3	2006-05-25	32037

Records Printed = 2

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.

From: Richard_Davis@fws.gov
To: Alison_Harwood
Subject: RE: Community Wind South- Threatened/Endangered species review
Date: Thursday, September 15, 2011 11:20:06 AM

Hi Alison,

I was able to get out there, and from what I could tell I don't believe there are any areas where direct take of Topeka shiners will be an issue if stream crossings are planned out appropriately. Some simple activities, such as timing of crossings after August 15th or when stream beds are dry, minimizing vegetative clearing, utilizing granular fill materials free of fines, silts, and muds, minimizing downstream transport of sediment, and keeping crossing locations out of off channel low flow areas are some recommendations I have.

I'm in the process of writing you a letter regarding this project, and I hope to get it out tomorrow.

Thank you for your patience,

Rich

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

Alison Harwood
<aharwood@wsbeng.com>
To
"Richard_Davis@fws.gov"
09/13/2011 10:20 AM <Richard_Davis@fws.gov>
cc
Subject
RE: Community Wind South-
Threatened/Endangered species
review

Good morning Rich,

I just wanted to follow up with you regarding the Community Wind site. Were you able to visit the site on the 2nd? Please let me know if you have

any questions or concerns regarding the site.

Thank you,

Alison Harwood
Environmental Planning & Natural Resources Scientist
Email: aharwood@wsbeng.com

701 Xenia Avenue South, Suite 300
Minneapolis
MN 55416
Tel: 763-231-4847
Fax: 763.541.1700
Mobile: 612-360-1320
Web: <http://www.wsbeng.com>

-----Original Message-----

From: Richard_Davis@fws.gov [mailto:Richard_Davis@fws.gov]
Sent: Thursday, September 01, 2011 8:57 AM
To: Alison Harwood
Subject: Re: Community Wind South- Threatened/Endangered species review

Hi Alison,

I was completing a desktop review of your project yesterday and noted that there is no designated Critical Habitat for Topeka shiner within the proposed project boundary. However, the streams in that area do have some common occurrences of Topeka shiners outside the designated Critical Habitat stream segments. I will be down in Nobles and Rock Counties tomorrow to complete a few site visits, and I have your project on the list to take a look at while I'm down there. I plan to get a letter with the Services comments/recommendations out to you next week.

Thank you for including me in your project review process,

Rich

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

Alison Harwood
<aharwood@wsbeng.com>
To
"Richard_Davis@fws.gov"
08/31/2011 03:24 PM <Richard_Davis@fws.gov>
cc

Subject
Community Wind South-
Threatened/Endangered species review

Good afternoon Rich,

I just wanted to touch base with you regarding the threatened/endangered species review that I requested for the Community Wind South project in Nobles County. We are hoping to submit the final site permit application to the PUC within the next couple of weeks and are hoping to include correspondence from the FWS. In addition to threatened/endangered species, I understand that there are some streams within Nobles county that have been federally-designated as critical habitat for Topeka shiner and am wondering if any of those streams are within the Project Area?

If you have any questions regarding this project, or need additional information, please feel free to contact me.

Thank you,

Alison Harwood
Environmental Planning & Natural Resources Scientist
d: 763-231-4847 | c: 612-360-1320
WSB & Associates, Inc. | 701 Xenia Avenue South, Suite 300 | Minneapolis,
MN 55416

(Embedded image moved to file: pic12382.jpg)

This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited. WSB & Associates, Inc. does not accept liability for any errors or omissions which arise as a result of electronic transmission. If verification is required, please request a hard copy.

From: Alison Harwood
Sent: Friday, July 29, 2011 8:44 AM
To: 'Richard_Davis@fws.gov'
Subject: Threatened/Endangered species review

Good morning again,

We are also looking for information pertaining to the Topeka shiner federally-designated critical habitat and whether any of those stream segments are present within the project area.

Thank you, and have a great weekend.

From: Alison Harwood
Sent: Thursday, July 28, 2011 9:41 AM
To: 'Richard_Davis@fws.gov'
Cc: Jed Chesnut
Subject: Threatened/Endangered species review

Good morning Rich,

I am following up on a message Jed Chesnut left for you regarding the proposed 15-turbine wind farm in Nobles county. The site is approximately 2 miles south of Wilmont, MN (see attached project location map). I am emailing to request any threatened/endangered species information for the project area. I used the IPac tool on the FWS website and have attached the results. My understanding is that those are county-wide results and so I also wanted to request the official species list for the project area.

Please feel free to give me a call if you have any questions.

Thanks,

(See attached file: FWS_T&E.pdf)(See attached file: Project Location_reduced.pdf)



United States Department of the Interior

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

September 20, 2011

Alison Harwood
Environmental Planner and Natural Resources Scientist
WSB & Associates, Inc
701 Xenia Avenue South, Suite 300
Minneapolis, Minnesota 55416

Re: Community Wind South LWECS, Nobles County, Minnesota
FWS TAILS #32410-2011-0134

Dear Ms. Harwood:

This is in response to your July 28, 2011 request for our review of the proposed Community Wind South LWECS project in Nobles County, Minnesota. The proposed project includes the installation of 15 wind turbines, and associated infrastructure including roads, transmission lines, and staging areas. The macro-siting project boundary sent to our office covers a total area of approximately 3,200 acres located in all or parts of sections 17 - 20 and 30 Township 103 North, Range 41 West and sections 13, 23, and 24 Township 103 North, Range 42 West, Nobles County, Minnesota.

The following comments are being provided pursuant to the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and Fish and Wildlife Act of 1956. This information is being provided to assist you in making an informed decision regarding wildlife issues, site selection, project design, and compliance with applicable laws.

The Service has been in contact with the Minnesota Department of Natural Resources (MnDNR) as they have developed recommended survey protocols and site evaluations that will satisfy both state and federal wildlife statutes, and this letter describes these measures, in part. We appreciate your early coordination with both the Service and the MnDNR, and recommend continued collaboration on this project to ensure wildlife and habitat issues are fully and appropriately addressed.

The Fish and Wildlife Service supports the development of wind power as an alternative energy source. However, wind farms can have negative impacts on wildlife and their habitats if not sited and designed with potential wildlife and habitat impacts in mind. Selection of the best sites for turbine placement is enhanced by ruling out sites with known, high concentrations of birds and/or bats passing within the rotor-swept area of the turbines or where the effects of habitat fragmentation will be detrimental. In support of wind power generation as a wildlife-friendly,

renewable source of power, development sites with comparatively low bird, bat and other wildlife values would be preferable and would have relatively lower impacts on wildlife.

The Service recommends that impacts to streams and wetlands be avoided, and buffers surrounding these systems be preserved. Streams and wetlands provide valuable habitat for fish and wildlife resources, and the filtering capacity of wetlands helps to improve water quality. Naturally-vegetated buffers surrounding these systems are also important in preserving their wildlife-habitat and water quality-enhancement properties. Furthermore, forested riparian systems (wooded areas adjacent to streams) provide important stopover habitat for birds migrating through the region.

The proposed activities do not constitute a water-dependent activity, as described in the Section 404(b)(1) guidelines, 40 CFR 230.10. Therefore, practicable alternatives that do not impact aquatic sites are presumed to be available, unless clearly demonstrated otherwise. Therefore, before applying for a Section 404 permit, the client should closely evaluate all project alternatives that do not affect streams or wetlands, and if possible, select an alternative that avoids impacts to the aquatic resource. If water resources will be impacted, the St. Paul District of the Corps of Engineers should be contacted for possible need of a Section 404 permit.

Federally-listed Threatened, Endangered, and Candidate Species

Because of the potential for wind power projects to impact federally-listed species, they are subject to the Endangered Species Act (16 U.S.C. 1531-1544) section 9 provisions governing "take," similar to any other development project. "Take" incidental to a lawful activity may be authorized through the initiation of formal consultation, if a Federal agency is involved. If a federal agency, federal funding, or a federal permit are not involved in the project, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA may be obtained upon completion of a satisfactory habitat conservation plan for the listed species. However, there is no mechanism for authorizing incidental take after the project is constructed and operational.

Currently, prairie bush clover (Threatened), western prairie fringed orchid (Threatened), and Topeka shiner (Endangered) are present within Nobles County. Our records do not indicate any records of prairie bush clover, western prairie fringed orchid, or Topeka shiner within or directly adjacent to the proposed macro-siting area. At any point during project planning, construction, or operation should any of the above listed species be identified within the proposed project boundary, or should any other species become listed that may be affect by the proposed project consultation should be reinitiated with the Twin Cities Field Office.

Data available at the time of this review indicates records of the endangered Topeka shiner approximately one mile southeast of the proposed project macro-siting boundary. Designated Critical Habitat for the Topeka shiner is located approximately $\frac{3}{4}$ of a mile south of the proposed macro-siting boundary. The records of Topeka shiners south of the proposed project occur within and outside of designated Critical Habitat streams.

The Service recommends the following actions be considered for the Community Wind South LWECS Project:

1. Avoid working within stream channels during construction or operation of the project.
 - a. If work within stream channels is unavoidable, complete the work when the channel is dry.
 - b. Only access stream channels, inundated or dry, with clean, grease and oil free equipment.
 - c. Stream channel crossing materials should be free of silts and other fines.
2. Underground cables should be directionally bored under all stream channels in a manner and at a depth that does not disturb the bottom of the stream channel.
3. Best Management Practices (BMPs) should be in place to control soil erosion and stop all sediment prior to discharge into all streams and all grassed waterways.
4. No hazardous materials will be discharged or released, during construction or operation, in a manner that the substance would reach surface waters within or adjacent to the macro-siting areas.

Migratory Birds

The Migratory Bird Treaty Act (16 U.S.C. 703-712; MBTA) implements four treaties that provide for international protection of migratory birds. The MBTA prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Bald and golden eagles are afforded additional legal protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). Unlike the Endangered Species Act, neither the MBTA nor its implementing regulations at 50 CFR Part 21, provide for permitting of "incidental take" of migratory birds.

The Service recommends that a raptor nest survey be completed within the proposed project boundary and out to two miles from the macro-siting boundary prior to leaf-out in the spring of the year. This is particularly important in identifying recently constructed bald eagle nests, as the Minnesota DNR's records of eagle nest locations has not been updated since 2007.

Monitoring should be conducted to assess the daily movement patterns of any raptors actively nesting within the proposed project site or within two miles of the proposed project 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. These monitoring dates will be determined based upon identified species within two miles of the project boundary. Alternate monitoring strategies that assess the degree to which nesting birds utilize the proposed project site will be considered. Information collected will be used to document how frequently the birds enter the proposed project site, assist in identifying foraging areas, and should assist with micro-siting to minimize substantial risks to birds within close proximity to the project site.

If bald or golden eagle use areas, including but not limited to; nesting areas, winter roost areas, and foraging areas, are identified within or in close proximity to the proposed project, or if bald or golden eagles are identified during point count or flight path surveys please contact our office immediately. The presence of bald or golden eagles and data gathered through these survey

efforts will be utilized by our office to provide recommendations to assist the project proponent in reducing potential impacts to bald and golden eagles.

The small prairie streams and adjacent wetlands present within the macro-siting areas are utilized by various migratory bird species as flight pathways as they move through the area. The grasslands and wetlands adjacent to these streams may also serve as important nesting habitat for ground nesting grassland bird species. Stream corridors, riparian habitat, and wetlands are regularly utilized by bats for foraging. Turbine placement directly adjacent to the stream corridor or the wetland/open water complex should be avoided.

The Service recommends that surveys be completed to determine bird species that may be moving through this area during spring and fall migration, and bird species that may be in the area throughout the summer. These surveys will help assess the overall value of the proposed project area to migratory bird species, and it will also assist us in determining the need for post construction monitoring.

The Service's Office of Law Enforcement serves its mission to protect federal trust wildlife species in part by actively monitoring industries known to negatively impact wildlife, and assessing their compliance with Federal law. These industries include oil/gas production sites, cyanide heap/leach mining operations, industrial waste water sites, and wind power sites. There is no threshold as to the number of birds incidentally killed by wind power sites, or other industry, past which the Service will seek to initiate enforcement action. However, the Service is less likely to prioritize enforcement action against a site operator that is cooperative in seeking and implementing measures to mitigate take of protected wildlife.

Migratory Bird Concentration Areas and Conservation Lands

We recommend that no turbines be located within ¼ mile of Conservation Reserve Program, Wetland Reserve Program, or other similar federally- or state-funded restoration projects.

Service Owned Lands

At this time there are no Service owned refuge lands or Waterfowl Production Areas (WPAs) within the macro-siting area or within 1 mile of the proposed project area. The Service generally recommends a minimum setback distance of a ½ mile from WPAs.

Interim Service Guidelines

Research into the actual causes of bat and bird collisions with wind turbines is limited. To assist Service field staffs in review of wind farm proposals, as well as aid wind energy companies 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* (2003). We encourage any company/licensee proposing a new wind farm to consider the following excerpted suggestions from the guidelines in an effort to minimize impacts to migratory birds and bats.

- 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) Rank 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/habitatconservation/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 the project. We particularly encourage placement of turbines away from any large wetland, stream corridor, or wooded areas, and avoiding placing turbines between nearby habitat blocks. If this proposal is to move forward, we strongly recommend that on-the-ground surveys using radar, infrared, and/or acoustic monitoring be conducted during the peak of spring and fall bird migrations and during the breeding season over a period of several years (consistent with the Service's *Interim Guidelines, op. cit.*) to identify breeding and feeding areas and migration stopover sites. Observations made from greater than ¼ mile of target areas are likely to be insufficient to accurately assess bird use of the landscape, particularly if the observer is moving. Generalized ground research survey protocols, such as those followed in the Waterfowl Breeding Population and Habitat Survey (Smith 1995) and the North American Breeding Bird Survey (Pardieck 2001), among others, often do not accept observations made at greater than ¼ mile

from the observer due in part to high probabilities of missed detections (R. Russell, personal communication). Furthermore, spring and fall raptor migration surveys may be necessary, as will surveys to document movement patterns of bald eagles that may use the project area or surrounding habitat. We request that any on-the-ground survey protocols be consistent with the Service's Interim Guidelines (2003), and be coordinated with this office and with the Minnesota Department of Natural Resources prior to implementation.

Pre-Construction Surveys

The Service recommends that project proponent and their consultants conduct rigorous assessments of bird and bat use of the area before proceeding with project design (i.e., preliminary siting of specific turbines). We strongly recommend development of a protocol for bird/bat surveys at this site, and specific consideration should be given to the potential for occurrence of marbled godwit within the proposed project area. We encourage project proponent to maintain 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, 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 a 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.

We recommend installation of two AnaBat SDI detectors per meteorological tower to be used within the project area, and data should be collected from April 15 - November 15, 2012 and 2013. One AnaBat detector should be mounted at 5 meters above ground, and the other should be mounted as close to the rotor-swept area as possible. The AnaBat's sensitivity should be adjusted to detect a calibration tone at 20 meters. AnaBat units must monitor from 0.5 hour before sunset until 0.5 hour after sunrise. This will help to gauge bat activity and to some degree, to determine bat species/guild composition within the project area during spring and fall migration and the maternity season.

Post Construction Surveys

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. Generally the Service recommends that surveys be conducted for a

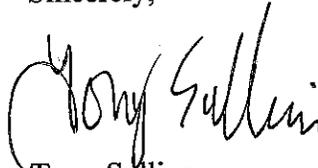
minimum of three years following construction to assess impacts to birds and bats. The duration of post construction surveys is project specific and will be determined based upon pre construction survey results. We also recommend that the post-construction mortality studies be conducted by an independent 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. **The Developer or its contractor should provide to this office each year, no later than December 31, copies of annual bird/bat mortality monitoring reports.**

Infrastructure Considerations

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/>.

Thank you for the opportunity to provide comments on this proposed project. Please contact me at (612) 725-3548, ext. 2201, or Rich Davis, Fish and Wildlife Biologist, at (612) 725-3548, ext. 2214, if we can be of further assistance.

Sincerely,



Tony Sullins
Field Supervisor

cc: Kevin Mixon, MN DNR

651-259-3453

From: Alison Harwood [mailto:aharwood@wsbeng.com]
Sent: Wednesday, August 03, 2011 11:53 AM
To: Cinadr, Thomas
Subject: Community Wind South resources request

Tom,

I would like to request any historical, cultural, archaeological, and architectural resources that may be present in the project area shown on the attached map. The project is located in Nobles County, approximately 2 miles south of Wilmont, in all or parts of the following TRS:

Township	Range	Section
103N	41W	17
103N	41W	18
103N	41W	19
103N	41W	20
103N	41W	30
103N	42W	13
103N	42W	23
103N	42W	24

let me know if you need any additional information.

Thank you,

Alison Harwood

Environmental Planning & Natural Resources Scientist

d: 763-231-4847 | c: 612-360-1320

WSB & Associates, Inc. | 701 Xenia Avenue South, Suite 300 | Minneapolis, MN 55416



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Alison Harwood

From: Cinadr, Thomas [Thomas.Cinadr@MNHS.ORG]
Sent: Thursday, August 11, 2011 7:57 AM
To: Alison Harwood
Subject: RE: Community Wind South resources request
Attachments: Archaeology.rtf

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.

No historic structures were identified in a search of the Minnesota Archaeological Inventory and Historic Structures Inventory for the search area requested. **A report containing the archaeological sites identified is 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

Archaeological Site Locations

Site Number	Site Name	Twp.	Range	Sec.	Quarter Sections	Acres	Phase	Site Description	Tradition	Context	Reports	NR	CEF	DOE
County: Nobles														
21NO0028	Indian Hill II (associated with 21NO29)	103	41	18	NW-SW-NE	5	1	LS						
21NO0029	Indian Hill (associated with 21NO28)	103	41	18	SE-SW-NE,SW-SE-NE,NE-NW-SE	3	1	LS						