Minnesota Department of Natural Resources
500 Lafayette Road • St. Paul, MN • 55155-40_

August 30, 2013

David Birkholz, Environmental Manager
Minnesota Department of Commerce,
Energy Facilities Permitting,
85 7th Place East, Suite 500
St. Paul MN 55101-2198

Re: Stoneray Power Partners, LLC Application for a Large Wind Energy Conversion System Site Permit - (PUC) Docket Number: IP-6646/WS-13-216
DNR ERDB Number: 20120101-0006

Dear Mr. Birkholz:

The Minnesota Department of Natural Resources (DNR) has reviewed the Site Permit Application for the Stoneray Wind Project in Pipestone and Murray Counties. The following comments are provided regarding the Site Permit Application and for the development of the project record and draft permit. Also, this letter includes comments regarding the Generic Site Permit distributed as part of the Stoneray record.

Site Permit Application and Stoneray Draft Site Permit

The Site Permit Application states that no Wildlife Management Areas (WMAs) are located within the project boundary. Avoiding WMAs may reduce the risk of impacts to wildlife. The DNR wishes to confirm that no temporary or permanent impacts will occur to any publically owned areas including the Casey Jones State Trail or to public waters.

The Casey Jones State Trail crosses the project area. The DNR recommends that no direct impacts occur to the trail. The DNR recommends that turbines not be placed within a 5 x 3 rotor diameter distance from the trail and that access roads avoid bisecting it to reduce recreational impacts and increase safety for trail users. In addition, the DNR plans to extend the trail east of where it currently ends in Murray County to connect to the Lake Wilson segment. The new trail segment would be within the Stoneray project area.

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 Public Lands and Waters (Minnesota Statutes, section 84.415). Information on obtaining a Utility License can be found at: http://www.dnr.state.mn.us/permits/utility_crossing/index.html.

For detailed information on where the Public Waters are located in a project area, visit the following site and click on the Public Waters Inventory (PWI) Maps Download button: http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html.

The Site Permit Application discusses the presence of Minnesota Biological Survey Sites of Biodiversity Significance, remnant native prairie, and a calcareous fen. The DNR recommends avoiding any infrastructure impacts to these important habitats and encourages inclusion in the draft permit of a requirement for a native prairie protection and management plan if any native prairie were to be impacted. Any impacts, including hydrologic impacts, to a calcareous fen would require a Fen Management Plan from the DNR. If there is a possibility of impacting a calcareous fen, the project developer should contact Doug Norris at (651) 259- 5125.

The project developer should contact the DNR Natural Heritage Information System (NHIS) coordinator Lisa Joyal at (651) 259-5109 regarding either an updated NHIS request or a concurrence letter regarding the project developer's review of NHIS data. Note that this is particularly important due to recent updates to the State of Minnesota Endangered and Threatened Species List. The DNR may have additional comments regarding rare species or native plant communities once this review step is completed.

Page 39 of the Site Permit Application discussed acoustic bat monitoring, but did not include bat passes per detector night. Furthermore, Appendix C-5, Acoustic Bat Survey, stated: "Bat passes per night (bpn) was determined by the total number of recorded passes divided by the total number of nights of the survey." Bpn throughout the entire study (April 9 - October 31) averaged 23.8 bpn." In order to compare the results to other projects the standard is to determine the bat passes per detector night.

The DNR has developed a Blanding's turtle priority map (attached) that includes potential habitat for the state-listed threatened species. The DNR recommends that the PUC Site Permit include a condition that only allows construction from November 1 to April 30 within the priority areas in order to avoid potential impacts to Blanding's turtles or their nests. The Blanding's turtle construction avoidance flyer and poster are also attached as informational items for contractors.

Based on the turbine layout submitted and available information at this time, the DNR concurs with the Site Permit Application estimate of low fatality risk to birds and bats for the Stoneray Project.

Generic Permit

Section 6.1 states: "The Permittee shall file with the Commission, any biological surveys or studies conducted on this Project, including those not required under this permit." Generally, for various projects, the DNR agrees with this condition for post-construction monitoring, informal monitoring, or company specific surveys/monitoring conducted at any time. However, the DNR recommends that pre-construction (United States Fish and Wildlife Service Tier 3) survey results be submitted with the Site Permit Application if already completed, or at least prior to permit issuance.

Section 6.7 discusses the requirements of the Avian and Bat Protection Plan. Generally, the DNR also recommends that a Draft Avian and Bat Protection Plan should be submitted with the Site Permit Application.

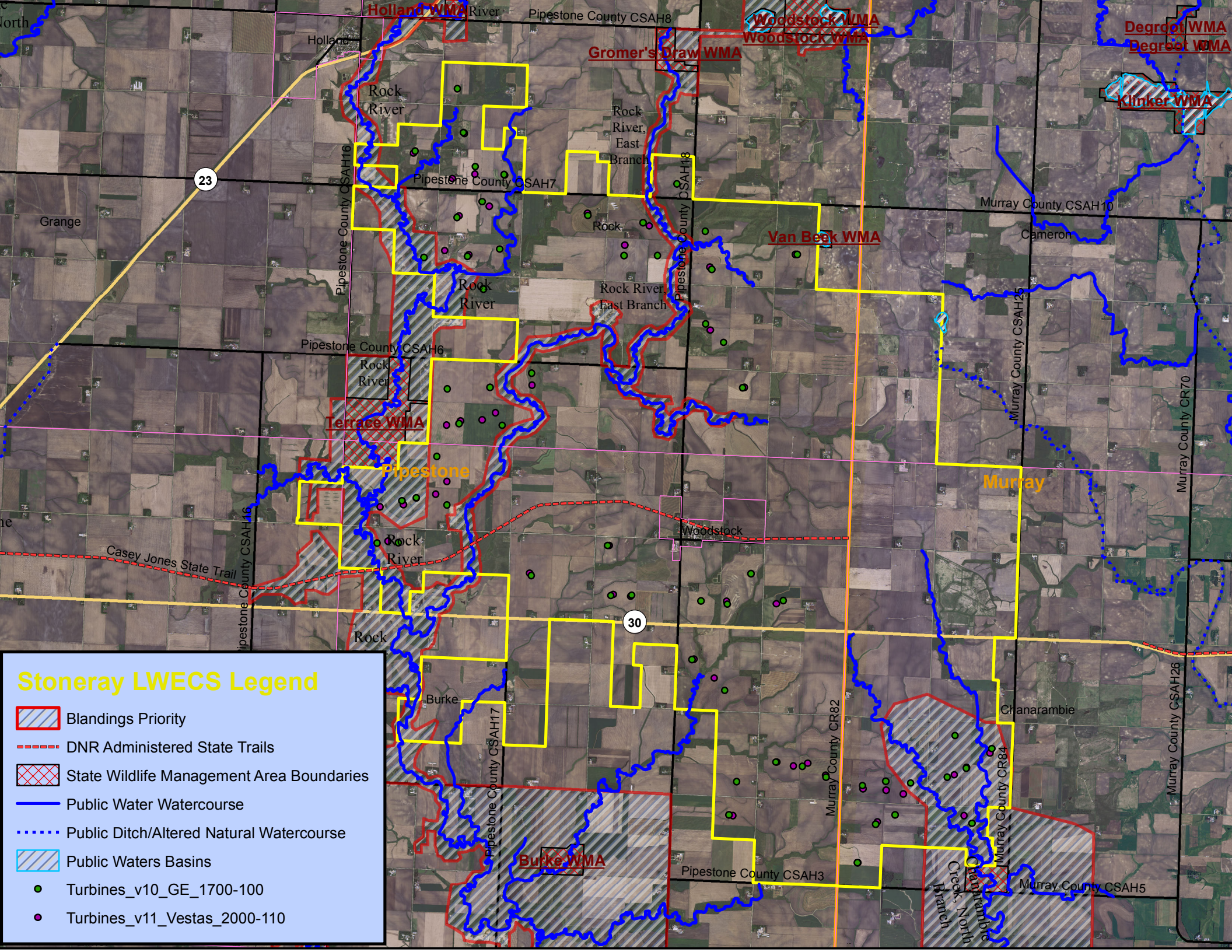
Section 6.7.3(b) states: "one or more dead or injured migratory avian or bat species." This notification requirement would likely be over burdensome on both a permittee and the DNR. Many species that collide with turbines are migratory and notification would be occurring quite often from projects across the state. Other reporting frequency/methods could capture trends in fatalities in a more efficient manner. Please consider the following language: "five or more dead or injured migratory avian or bat species found within one calendar week." Also, considering federal regulations regarding migratory birds, coordination with the USFWS regarding this language is also encouraged.

Thank you for the opportunity to provide comments. Please contact me with any questions.

Sincerely,

Jamie Schrenzel
Principal Planner
Environmental Review Unit
(651) 259-5115

Enclosures: 3


Stoneray LWECS Legend
Blandings Priority
DNR Administered State Trails
State Wildlife Management Area Boundaries
Public Water Watercourse
Public Ditch/Altered Natural Watercourse
Public Waters Basins
Turbines_v10_GE_1700-100
Turbines_v11_Vestas_2000-110
Holland WMA
Gromer's Draw WMA
Woodstock WMA
Degroot WMA
Klinker WMA
Van Beek WMA
Terrace WMA
Burke WMA
Pipestone
Murray
Holland
Grange
Cameron
Woodstock
Burke
Chanarambie
Pipestone County CSAH8
Pipestone County CSAH7
Pipestone County CSAH6
Pipestone County CSAH3
Pipestone County CSAH16
Pipestone County CSAH17
Pipestone County CSAH18
Murray County CSAH10
Murray County CSAH25
Murray County CSAH26
Murray County CSAH5
Murray County CR70
Murray County CR82
Murray County CR84
Casey Jones State Trail
Rock River
Rock River, East Branch
Chanarambie Creek, North Branch
23
30

HAVE YOU SEEN A BLANDING'S TURTLE ?

Carapace

Male=concave | Plastron | Female=flat

Carapace (upper shell): Round, dome-shaped, very smooth, dull black with specks and streaks of yellow throughout.

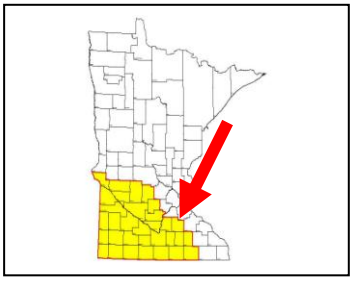
Plastron (lower shell): Yellow with dark splotches on each scute (section); hinged between 3rd and 4th pair of scutes (front closes like a drawbridge) So the Blanding's turtle is sometimes called a "semi-Box Turtle"

The **bright yellow chin** and **underside of the long neck** is one of the most conspicuous features of this turtle.
Marshes, ponds, rivers & streams, adjacent uplands; Also travel overland & cross roads.May bask on logs, shore

Yellow neck/chin ; no stripes

Domed Carapace

The MNDNR Nongame Wildlife Program (NWP) is seeking reports of Blanding's turtles in the counties of southern Minnesota.



If possible, sightings should be verified promptly by either:

1. **photographs showing identifying characteristics (top & bottom of shell, jaw)**

AND/OR

2. **a detailed written description specifying identifying characteristics and circumstances of the sighting. (incl. if turtle shell is marked in any way)**

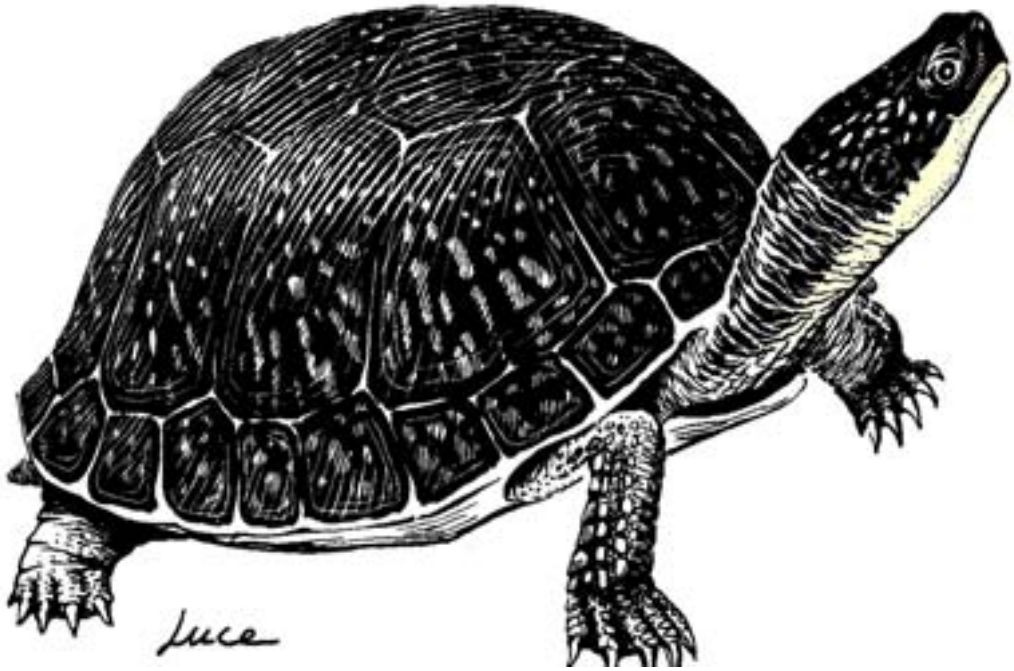
Please include:

-Name phone number &/or email address of person reporting sighting
-Date of Sighting
-Number of Blanding's turtles observed
-Specific Location of Sighting
e.g. GPS coordinates OR Township, Range Section to the nearest ¼ ¼ section
&/OR
-Specific directions (e.g. roads with distance and direction from nearest town or other conspicuous landmark with any other information that may be helpful for locating the site. Details about the habitat & landowner contacts also really help. Many Thanks !

Please Report Sightings as soon as possible to:

Lisa Gelvin-Innvaer, MNDNR Nongame Wildlife Program,
261 Hwy 15 South; New Ulm, MN 56073
Phone: 507-359-6033 Fax: 507-359-6018 Email: lisa.gelvin-innvaer@state.mn.us

CAUTION



BLANDING'S TURTLES

MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are a State Threatened species and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

Illustration by Don Luce, from Turtles in Minnesota, Natural History Leaflet No. 9, June 1989, James Ford Bell Museum of Natural History

SUMMARY OF RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS TO BLANDING'S TURTLE POPULATIONS

(see Environmental Review Fact Sheet Series for full recommendations)

- A flyer with an illustration of an adult Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.
- Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed to continue their travel among wetlands and/or nest sites.
- If a Blanding's turtle nests in your yard, do not disturb the nest, and do not allow pets near the nest.
- Blanding's turtles do not make good pets. It is illegal to keep this threatened species in captivity.
- Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.
- Small, vegetated temporary wetlands should not be dredged, deepened, or filled.
- All wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.
- Roads should be kept to minimum standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4" high curbs at a 3:1 slope are preferred.
- Culverts under roads crossing wetland areas, between wetland areas, or between wetland and nesting areas should be at least 36 in. diameter and flat-bottomed or elliptical.
- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Utility access and maintenance roads should be kept to a minimum.
- Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Terrain should be left with as much natural contour as possible.
- Graded areas should be revegetated with native grasses and forbs.
- Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).