



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

JAN 07 2015

Operations
Regulatory (2014-04024-BGO)

Mr. Michael Swenson
HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, Minnesota 55416

Dear Mr. Swenson:

This letter is in response to your correspondence dated November 11, 2014, requesting Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the 505-acre Marshall Solar Energy Project property. The project site is located in Section 28 and 33, T. 112N., R. 40W., Lyon County, Minnesota.

We have reviewed the December 18, 2014 and January 7, 2015 updates to the Marshall Solar Energy Project Delineation and determined that the limits of the aquatic resources have been accurately identified in accordance with current agency guidance including the *Corps of Engineers Wetland Delineation Manual* (1987 Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region. This concurrence is only valid for the study area shown on the attached Figure 1 of the report. The boundaries shown on the attached Figure 4 of the report accurately reflect the limits of the aquatic resources in the review area, which include part of Judicial Ditch 18 in the northern portion of the site and part of Judicial Ditch 34 in the southern portion of the site.

This concurrence may generally be relied upon for five years from the date of this letter. However, we reserve the right to review and revise our concurrence in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. Our concurrence may be renewed at the end of this period provided you submit a written request and our staff are able to verify that the determination is still valid.

This review did **not** include a jurisdictional determination as to whether the aquatic resources identified at the site would be subject to Corps of Engineers jurisdiction under the Clean Water Act (CWA). Pursuant to Section 404 of the CWA, a Department of the Army permit is required for the discharge of dredged and fill material into a water of the United States. If you would like the Corps to make a determination regarding the status of the aquatic resources identified on the property you may request an approved jurisdictional determination by submitting a written request to me at the letterhead address.

Please note that the discharge of dredged or fill material into waters of the United States without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, please contact me at (651) 290-5280. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin Orne".

Benjamin Orne
Project Manager

cc:
Luke Olson, Lyon SWCD
Jennifer Field, NextEra Energy Resources, LLC

3. LIST OF ADDRESSEES

SWCD TEP member: **Luke Olson**

BWSR TEP member: **Kane Radel**

LGU TEP member (if different than LGU Contact): **Todd Hammer**

DNR TEP member: **Lucas Youngsma**

DNR Regional Office (if different than DNR TEP member)

WD or WMO (if applicable):

Applicant (notice only) and Landowner (if different)

Members of the public who requested notice (notice only):

Corps of Engineers Project Manager (notice only)

BWSR Wetland Bank Coordinator (wetland bank plan applications only)

4. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/contact/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

<u>NW Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<u>NE Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<u>Central Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<u>Southern Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

➤

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

5. ATTACHMENTS

In addition to the application, list any other attachments:

Joint Application

Wetland Delineation Technical Memorandum

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Marshall Solar, LLC

Mailing Address: 700 Universe Boulevard, Mailstop FBD-JB, Juno Beach, FL 33408

Phone: 561-304-5775

E-mail Address: Brandon.stankiewicz@nee.com

Authorized Contact (do not complete if same as above): Brandon Stankiewicz – Director

Mailing Address:

Phone:

E-mail Address:

Agent Name: HDR - Michael Swenson

Mailing Address: 701 Xenia Ave S. Suite 600

Phone: 763-278-5946

E-mail Address: michael.swenson@hdrinc.com

PART TWO: Site Location Information

County: Lyon

City/Township: Stanly Township

Parcel ID and/or Address: NA

Legal Description (Section, Township, Range): Sections 28 and 33 Range 40W Township 112N

Lat/Long (decimal degrees): NA

Attach a map showing the location of the site in relation to local streets, roads, highways.

Approximate size of site (acres) or if a linear project, length (feet): 504

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: _____

I hereby authorize HDR to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.



¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

Wetland Type Confirmation

Delineation Concurrence. Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

Preliminary Jurisdictional Determination. A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

Approved Jurisdictional Determination. An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) Lyon SWCD	Address 1424 E College Dr, Suite 600 Marshall, MN 56258
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1. PROJECT INFORMATION

Applicant Name Marshall Solar, LLC	Project Name Marshall Solar Energy Project	Date of Application 11/12/2014	Application Number 2014-03
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Attach site locator map.

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 1/26/2015		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

<p>The "Wetland Delineation Technical Memorandum," submitted by HDR Engineering, Inc. on behalf of Marshall Sollar LLC (Applicant) concludes that the project area does not contain any areas meeting the technical definition of a wetland, including the two perennial drainage ditches.</p> <p>Christina Rolfes with HDR Engineering Inc reassured that the construction concept plans highlights that the current ditch system will not be manipulated nor will the setback from the ditches be violated. With this in mind, the wetland delineation appears adequate at addressing the proposed project and current wetland site conditions.</p>

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR “Declaration of Restrictions and Covenants” and “Consent to Replacement Wetland” forms have been filed with the county recorder’s office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Luke Olson	Title Conservation Technician	
Signature 	Date 1/26/2015	Phone Number and E-mail 507-537-0396 x3 (Direct) lukeolson@co.lyon.mn.us

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input checked="" type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: Luke Olson <input checked="" type="checkbox"/> BWSR TEP member: Kane Radel <input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): Todd Hammer <input checked="" type="checkbox"/> DNR TEP member: Lucas Youngsma <input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <input type="checkbox"/> WD or WMO (if applicable): <input type="checkbox"/> Applicant and Landowner (if different) <input type="checkbox"/> Members of the public who requested notice: <input checked="" type="checkbox"/> Corps of Engineers Project Manager <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

<u>NW Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<u>NE Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<u>Central Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<u>Southern Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

US Army Corps of Engineers
 St. Paul District, ATTN: OP-R
 180 Fifth St. East, Suite 700
 St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources
 Wetland Bank Coordinator
 520 Lafayette Road North
 St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Minnesota Department of Natural Resources

Division of Ecological and Water Resources

Southern Region • 261 Highway 15 South • New Ulm, MN 56073

Phone: 507-359-6073 Email: kevin.mixon@state.mn.us



December 11, 2014

Brandon Stankiewicz
NextEra Energy Resources, LLC
700 Universe Boulevard FED/JB
Juno Beach, FL 33408

Subject: Marshall Solar Energy Project
Preliminary Review
Lyon County, Minnesota

Dear Brandon:

The Minnesota Department of Natural Resources (DNR) appreciates the opportunity to review and comment on the Marshall Solar Energy Project located in Lyon County, MN. We also appreciate your early coordination with our agency and the productive meeting that our staff attended on December 10, 2014 in St. Paul, Minnesota. The DNR has reviewed the project and would like to provide the following recommendations.

The project area consists of agricultural land that does not contain any high value wildlife habitat. As such, the DNR does not recommend any pre-construction wildlife surveys for the project. However, the DNR is interested in reviewing the post-construction wildlife monitoring that your company has used on other projects. Further discussion on post-construction monitoring can occur as the project moves forward.

An opportunity is available to manage vegetation at the project site as restored short-grass prairie or meadows. The DNR encourages solar developers to plant native seed that contains grasses and flowering forbs that are beneficial to wildlife, including pollinators. Please contact Megan Benage, DNR Regional Ecologist, at (507) 359-6079 if you would like to discuss the establishment or management of restored prairie at your solar site.

Establishing restored prairie on prior farmed land can provide the following conservation benefits: improve water quality by reducing soil erosion and soil water retention, improve soil composition and structure with the extensive root systems of prairie plants, result in reduced applications of fertilizer and herbicides, and provide critical habitat for pollinators and other wildlife. These are just a few ways the newly restored prairie can help offset natural resource impacts that may result from a solar project.

Please contact Lisa Joyal, Endangered Species Review Coordinator, at (651) 259-5109 in regards to your review and conclusions concerning potential impacts to rare features tracked in the Natural Heritage Inventory System (NHIS). The DNR can provide a concurrence response if we agree with your assessment of potential impacts to rare features.

December 11, 2014

Page 2

The DNR suggests that in areas with high deer populations the fencing be eight-feet high to ensure that deer do not attempt to jump the fence. Barbed wire should not be used on six-foot high fencing because deer will attempt to jump shorter fences and can get entangled in the barbed wire. The result is injuries to the deer, fence repairs, and poor public relations for the operator of the solar project.

Please contact me directly at (507) 359-6073 if you have any questions or concerns about this letter.

Sincerely,



Kevin Mixon
Regional Environmental Assessment Ecologist
Southern Region

ec: Megan Benage, Regional Ecologist
Jamie Schrenzel, Principal Planner
Lisa Joyal, Endangered Species Review Coordinator
Wendy Krueger, Area Wildlife Manager
Jim Sehl, EWR Assistant Manager
Skip Wright, EWR North District Manager
Suzanne Steinhauer, EERA/DOC
ERDB#20150148

Rolfes, Christina

From: Joyal, Lisa (DNR) <Lisa.Joyal@state.mn.us>
Sent: Friday, January 16, 2015 11:14 AM
To: Rolfes, Christina
Cc: BRANDON.STANKIEWICZ@nexteraenergy.com; JENNIFER.FIELD@nexteraenergy.com; DeRuyter, Michael; Schrenzel, Jamie (DNR); Mixon, Kevin (DNR)
Subject: Marshall Solar Energy Facility - NHIS Concurrence
Attachments: MarshallSolar_NHIS.PDF

I have reviewed the attached assessment of the potential for the above project to impact rare features, and concur with your assessment that impacts to known occurrences of rare features are not anticipated.

The correspondence number for this response is ERDB #20150148.

Thank you,

Lisa Joyal

~~~~~  
Lisa Joyal  
Endangered Species Review Coordinator  
NHIS Data Distribution Coordinator  
Division of Ecological and Water Resources  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St. Paul, MN 55155

phone: 651-259-5109  
[lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)  
[www.mndnr.gov/eco](http://www.mndnr.gov/eco)

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**From:** Rolfes, Christina  
**Sent:** Tuesday, December 16, 2014 4:07 PM  
**To:** Joyal, Lisa (DNR); Mixon, Kevin (DNR)  
**Cc:** [BRANDON.STANKIEWICZ@nexteraenergy.com](mailto:BRANDON.STANKIEWICZ@nexteraenergy.com); [JENNIFER.FIELD@nexteraenergy.com](mailto:JENNIFER.FIELD@nexteraenergy.com); DeRuyter, Michael  
**Subject:** Marshall Solar Energy Facility - NHIS Concurrence

Lisa,  
NextEra Energy Resources is proposing to construct a 62.25 MW solar facility in Lyon County, Minnesota. Last week, NextEra, Kevin Mixon, and DOC staff met to discuss the project. It was recommended that I contact you to verify that our NHIS information and interpretation is accurate. I've attached a figure that shows the nearest NHIS hits to the project area. Here is our interpretation:

Three state-designated habitats or known occurrences of threatened, endangered, or special concern species occur within five miles of the study area. An animal assemblage (colonial waterbird nesting area) occurs approximately two miles north of the study area, a vertebrate animal occurrence (northern grasshopper mouse – special concern) approximately 4 miles north of the study area in Stanley Township, and an additional vertebrate animal occurrence

(burrowing owl - endangered) approximately two miles southeast of the study area in Clifton Township. Given that the project area is almost entirely agricultural, it is unlikely that habitat for federal and state-listed species exists.

The NHIS data is from July 2014.

Please let us know if you concur with our interpretation. Thank you!

[Christina Rolfes](#)  
*Environmental Scientist*

HDR  
701 Xenia Avenue South | Suite 600  
Minneapolis, MN 55416

[hdrinc.com/follow-us](http://hdrinc.com/follow-us)

## Rolfes, Christina

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**From:** Kelly Gragg-Johnson <kelly.graggjohnson@mnhs.org>  
**Sent:** Tuesday, December 02, 2014 2:01 PM  
**To:** Justin, Michael  
**Cc:** sarah.beimers@mnhs.org; Rolfes, Christina  
**Subject:** Re: NextEra proposed Marshall solar facility

**Categories:** Important

Hi Mike and Christina-

Thanks for the email. We don't believe a meeting is necessary at this time. This seems like a pretty straight forward project. We will review the results of the Phase IA lit search and any recommendations that come out of that, once it becomes available, and the results of any Phase I survey, if deemed warranted. If there are any big concerns as a result of the surveys and further consultation is needed, we would be happy to meet at that time. Meanwhile, we look forward to reviewing the results of the Phase IA and any pending Phase I surveys as they become available.

Best,  
Kelly

### **Kelly Gragg-Johnson, Review & Compliance Specialist**

Government Programs & Compliance | State Historic Preservation Office  
Minnesota Historical Society | 345 Kellogg Blvd W | St. Paul, MN 55102  
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