

## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:45 AM  
**To:** natalie.weyaus@millelacsband.com  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_Mille Lacs THPO.PDF

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
**cell** (612) 849-5320

### Westwood

12701 Whitewater Drive, Suite 300  
Minnetonka, MN 55343

**westwoodps.com**

(888) 937-5150

## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:55 AM  
**To:** noah.white@piic.org  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_Prairie Island THPO.PDF

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

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## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:56 AM  
**To:** kade.ferris@redlakenation.org  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_Red Lake Nation.pdf

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

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## Shannon Hansen

---

**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:57 AM  
**To:** culturalresources@shakopeedakota.org  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_Shakopee Mdewakanton Sioux.pdf

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
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## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:59 AM  
**To:** samanthao@uppersiouxcommunity-nsn.gov  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_Upper Sioux THPO.PDF

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
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Minnetonka, MN 55343

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## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 11:25 AM  
**To:** Jaime.arsenault@whiteearth-nsn.gov  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_White Earth Naiton THPO.PDF

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
**cell** (612) 849-5320

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**Shannon Hansen**

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**From:** Leonard Wabasha (TO) <leonard.wabasha@shakopeedakota.org>  
**Sent:** Thursday, October 15, 2020 11:13 AM  
**To:** David Weetman  
**Subject:** Community Wind South Repower Project

Dear David Weetman

Thank you for your letter dated October 6, 2020 regarding the Community Wind South Repower Project. At this time the Shakopee Mdewakanton Sioux Community has no concerns regarding your project. However I would like to take a look at the Cultural Resource/Archaeological Study planned this fall for the new crane walkways when it becomes available.

Also as my office has moved please begin using: **2300 Tiwahe Circle, Shakopee Minnesota 55379** for USPS deliveries. Thank You and Have a Great Da!..

Respectfully,



**LEONARD WABASHA**  
Director of Cultural Resources • Cultural Resources  
Shakopee Mdewakanton Sioux Community  
d: 952.496.6120  
hokokatati.org  
leonard.wabasha@shakopeedakota.org

The Shakopee Mdewakanton Sioux Community is a federally recognized, sovereign Indian tribe located southwest of Minneapolis/St. Paul. With a focus on being a good neighbor, good steward of the earth, and good employer, the SMSC is committed to charitable donations, community partnerships, a healthy environment, and a strong economy.

~~~~~  
The information contained in this message is confidential. If you are not the intended recipient, dissemination or copying of this information is prohibited.  
If you have received this communication in error, please notify the sender and delete the message from your system. Thank you!  
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## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 10:59 AM  
**To:** USACE\_Requests\_MN@usace.army.mil  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_USACE\_CWS.PDF

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
**cell** (612) 849-5320

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**(888) 937-5150**



October 6, 2020

U.S. Army Corps of Engineers  
St. Paul District, Regulatory  
180 5th St. East, Suite 700  
St. Paul, Minnesota 55101-1678

**Re: Community Wind South Repower Project, Nobles County, Minnesota**  
File: 0026682.00

To whom it may concern:

On behalf of Zephyr Wind, LLC (Zephyr), Westwood Professional Services is writing to request comments regarding the Applicant's plans to obtain an amended site permit from the Minnesota Public Utilities Commission (MPUC) for the Community Wind South Project located in Nobles County, Minnesota (Exhibit 1). The original Site Permit for the 30.75 megawatt large wind energy conversion system (LWECS) was issued by the MPUC on May 1, 2012.

Zephyr plans to retrofit all 15 REpower MM92, 2.05 MW turbines by installing larger rotors and different nacelles. The purpose of the retrofitting project is to improve turbine technology, increase energy yield and extend the useful life of the project. Rotor modifications provide an increase in the rotor swept area, which results in a corresponding increase in the nominal production capacity of the Project. Optimizing energy production using the existing permitted wind energy facility will help the State of Minnesota meet its Renewable Portfolio Standard (RPS) with fewer turbines and less disruption to the natural environment.

The previously permitted locations of turbines, access roads, collection lines, and other supporting infrastructure will remain the same. Full-sized and pre-assembly cranes will be used to remove the old rotors and nacelles and install the new components. Some minor upgrading of public roadways and intersections may be required to allow for delivery of the replacement rotors and nacelles to each turbine location. A temporary laydown yard will be constructed within agricultural lands to stage the turbine components prior to installation. A temporary crane path will also be required for installing the new rotors and nacelles, which will be restored to pre-construction conditions following retrofitting. Efforts will be made to use the original crane path corridor to minimize disturbance to new areas.

No aspect of the project is anticipated to trigger Section 106 of the National Historic Preservation Act. In support of the site permit application, archaeological surveys of the new crane walk areas are being planned for this fall. The archaeological survey results can be provided upon request to

the Tribal Historic Preservation Offices (THPOs). Also, if interested, THPOs can coordinate a visit with the archaeological crews during the survey if they wish to review the area.

Zephyr plans to apply for an amended site permit from the MPUC in Q4 2020 to meet planned construction and a Commercial Operation Date (COD) anticipated in 2022. Written comments provided in response to this letter will be incorporated into the MPUC's review process. Please respond as soon as possible, or within 30 days of the date of this letter. If you have questions or require further information regarding the project, I can be reached at (952) 906-7419 or via email [david.weetman@westwoodps.com](mailto:david.weetman@westwoodps.com).

Sincerely,

WESTWOOD PROFESSIONAL SERVICES



David M. Weetman  
Environmental Permitting Manager

**From:** Studenski, David A CIV USARMY CEMVP (USA)  
<david.a.studenski@usace.army.mil>  
**Sent:** Monday, January 25, 2021 1:51 PM  
**To:** David Weetman  
**Subject:** Corps Response Letter MVP-2012-00618-DAS (CWS Wind Farm)  
**Attachments:** [2012-00618-DAS 20210125 PRE.pdf](#)

Dear Mr. Weetman,

The Corps of Engineers has completed our review regarding the subject project as described in the attached letter. No paper copy will be sent unless requested.

Please let me know if you have any questions.

Sincerely,

David Studenski  
Lead Project Manager  
Regulatory Branch  
U.S. Army Corps of Engineers  
1114 South Oak Street  
La Crescent, MN 55947-1560  
(651) 290-5902  
FAX: (507) 895-4116

Information on Corps of Engineers Regulatory Program status during the COVID-19 pandemic can be found at: <https://www.mvp.usace.army.mil/missions/regulatory>

We are pleased to introduce our new paperless communication procedures in Minnesota. Requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals) should be sent directly to the following email: [usace\\_requests\\_mn@usace.army.mil](mailto:usace_requests_mn@usace.army.mil). Please include the county name in the subject line of the email (e.g. Washington County). These changes will improve efficiency, reduce costs and reduce the environmental footprint. Additional information can be found in our public notice located here: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>



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

January 25, 2021

Regulatory File No. MVP-2012-00618-DAS

Westwood Professional Services  
c/o David Weetman  
David.weetman@westwoodps.com

Dear Mr. Weetman:

This letter is in response to correspondence we received from Westwood Professional Services regarding the Community Wind South Repower Project. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on your letter dated October 6, 2020 for the project referenced above a Department of the Army (DA) permit may be required for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

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

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

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

Regulatory Branch (File No. MVP-2012-00618-DAS)

for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our La Crescent office at (651) 290-5902 or [David.a.studenski@usace.army.mil](mailto:David.a.studenski@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

David Studenski  
Lead Project Manager

## Shannon Hansen

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**From:** David Weetman  
**Sent:** Friday, October 9, 2020 11:00 AM  
**To:** Sarah\_Quamme@fws.gov; Margaret\_Rheude@fws.gov  
**Subject:** Community Wind South Repower Project, Nobles County, MN  
**Attachments:** 20201006\_USFWS (Region 3).pdf

Please see attached letter regarding the Community Wind South Repower Project.

Best Regards,

### David Weetman

**Environmental Permitting Manager**

david.weetman@westwoodps.com

**direct** (952) 906-7419  
**main** (952) 937-5150  
**cell** (612) 849-5320

### Westwood

12701 Whitewater Drive, Suite 300  
Minnetonka, MN 55343

**westwoodps.com**

(888) 937-5150

October 6, 2020

Sarah Quamme and Mags Rheude (Eagle Biologist)  
U.S. Fish and Wildlife Service  
Minnesota Wisconsin Field Office  
4101 American Boulevard East  
Bloomington, Minnesota 55425-1665

**Re: Community Wind South Repower Project, Nobles County, Minnesota**  
File: 0026682.00

Dear Sarah and Mags:

On behalf of Zephyr Wind, LLC (Zephyr), Westwood Professional Services is writing to request comments regarding the Applicant's plans to obtain an amended site permit from the Minnesota Public Utilities Commission (MPUC) for the Community Wind South Project located in Nobles County, Minnesota (Exhibit 1). The original Site Permit for the 30.75 megawatt large wind energy conversion system (LWECS) was issued by the MPUC on May 1, 2012.

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are being planned for this fall. The archaeological survey results can be provided upon request to the Tribal Historic Preservation Offices (THPOs). Also, if interested, THPOs can coordinate a visit with the archaeological crews during the survey if they wish to review the area.

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Sincerely,

WESTWOOD PROFESSIONAL SERVICES

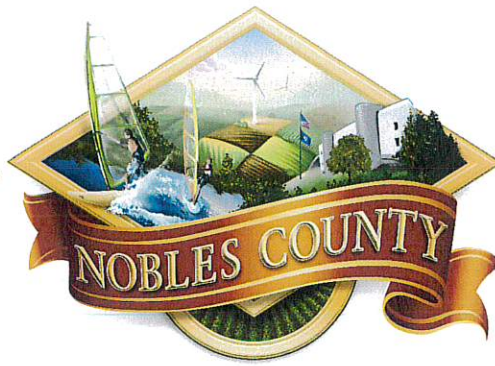


David M. Weetman  
Environmental Permitting Manager



## PUBLIC WORKS

960 Diagonal Road  
PO Box 187  
Worthington, MN 56187-0187



Phone: 507-295-5322  
Fax: 507-372-8348  
PublicWorks@co.nobles.mn.us

September 28, 2021

David Weetman  
Westwood Professional Services  
12701 Whitewater Drive, Suite 300  
Minnetonka MN 55343

RE: Zephyr Wind LLC Repower

Dear Mr. Weetman:

In response to your e-mail of September 13, 2021 regarding waivers to the Nobles County Zoning Ordinance for setback requirements.

Turbine T-9: Nobles County required setback to road right-of-way is one times the height, however may be reduced for minimum maintenance roads. This particular turbine is located on a minimum maintenance road, therefore we do not have an issue with the waiver request of 23 feet from the required setback for this turbine.

Turbine T-15: Nobles County requires a 600 foot setback from Wetlands, USFW Types III, IV and V. You indicated the proposed encroachment would be approximately 23 feet and that the exact distance will be verified during wetland delineation. There have not been any complaints/concerns received by Nobles County concerning this turbine and the effects on the wetland area therefore we do not have an issue with the waiver request of 23 feet from the wetland setback. If it is determined, during the wetland delineation, that the encroachment would be 40 feet or greater to the wetland, a variance from the Nobles County setback would be required.

Turbines T-6, T-12 and T-13: Nobles County requires a setback of 1.25 times the total height from property lines. If Zephyr is unsuccessful in acquiring these parcels as participating landowners a variance to the Nobles County setback would be required.

Nobles County does not support Zephyr requesting the MPUC remove references to the Nobles County setbacks from the project's state site permit entirely.

Thank you for your inquiry regarding this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Kathy Henderschiedt".

Kathy Henderschiedt  
Nobles County Planning and Zoning Administrator