

**APPENDIX A**  
**Agency Correspondence**

**Local Governmental Units  
Correspondence Catalog**

Date	Time	Person(s)	Discussion
01/24/19	8:54 AM	Eric Hartman, County Planner	Discussed the general acceptance about wind and solar projects within the County. Obtained information on the County's regulatory authority and CUP requirements for the MET tower.
10/23/19	10:00 AM	Wayne Ult	Left VM for meeting date
10/23/19	12:00 AM	Peter Jenson	Received return call from Peter Jenson - Township Assessor to call Wayne Ult
10/30/19	10:00 AM	Wayne Ult	Left VM for meeting date
10/30/19	12:00 AM	Wayne Ult	Wayne returned call; text him prior to setting up meeting on November 4th.
11/05/19	9:05 AM	Rock County Board Attending Commissioners Reisch, Thompson, Williamson, Overgaard; Admin Kyle older & Susan Skattum & NEER team Mike Weich, Tom VonBische & Thomas Mickel	Mike Weich & team gave a brief overview of the project which included the following items: Purchase from RES of the project including the existing Perch Wind, removal of Perch Wind turbines also new interconnect location. Technology between 2.82 or 3.0 GE 90 M/114M hub height. State filing scheduled for February 2020, Certificate of need March 2021, Construction meeting August 2021, explain drain tile consultant's role, explained aerial spraying protocol, explained Road Use agreement and road use evaluations, estimated 15 - 20 million local tax revenue. Commissioners asked questions about existing RES agreements, decommissioning plan for Perch Wind, fiberglass blade disposal. Open house scheduled for December the at Spring Brooke Golf course. Announced local office to open on Main Street.
11/05/19	2:00 PM	Craig Oftedahl, Superintendent Luverne Public Schools	Introduced NextEra Energy and provided an overview of our project. Offered opportunity to donate to the schools. Craig will be looking for money to support a newly created robotics team.
11/05/19	3:30 PM	Elroy Deschepper, Del Rose	Met with Elroy at Township hall in Jasper, MN. Gave overview of project and location. Discussed Geronimo previous project and how well they did. Mentioned possible donations to schools: Hills Beaver Creek and Pipestone Schools. Next meeting of Township is November 18th.
11/05/19	3:30 PM	Wayne Ulik, Chairman Del Rose Township	Called to set up meeting with Township; her returned call and asked to meet with another supervisor, Elroy Deschepper.
11/14/19	1:58 PM	Eric Hartman, County Planner	Requested a copy of the Solid Waste Management Ordinance; received on 11/15/19.
11/15/19	11:00 AM	Eric Hartman, County Planner	Sent email regarding the decommissioning of Perch, since no decommissioning plan currently exists.

<b>Date</b>	<b>Time</b>	<b>Person(s)</b>	<b>Discussion</b>
<b>11/15/19</b>	12:00 PM	Eric Hartman, County Planner	Sent email regarding decommissioning plans and depth of foundation removal.
<b>11/25/19</b>	1:00 PM	Rural Minnesota Energy Board	Introduced NextEra Energy and provided an overview of our Walleye Wind project. Answered questions about the project, blade recycling and grid concerns.
<b>12/04/19</b>	2:45 AM	Todd Holthaus, Superintendent, Hills-Beaver Creek ISD #671	Introduced NextEra Energy and provided an overview of our project. Offered opportunity to donate to the schools. Craig will be looking for money to support a newly created robotics team.
<b>12/04/19</b>	4:30 AM	Open House	Spring Brooke Golf Course, Rick Gourley 403 Golf Course Ln Beaver Creek, MN Phone: (855) 386-1275 Chris #605-759-6997
<b>01/03/20</b>	4:09 PM	Todd Holthaus, Superintendent, Hills-Beaver Creek ISD #671	Exchanged emails about donations to the school.
<b>01/06/20</b>	10:00 AM	Elroy Deschepper, Del Rose	Sent text message about next meeting date for an update on project.
<b>01/06/20</b>	11:30 AM	Elroy Deschepper, Del Rose	Received text back for next meeting date as 1/21/20 @ 7 p.m. We will attend in response.
<b>01/06/20</b>	4:00 PM	Eric Hanson, Planner	Emailed for met tower permitting requirements
<b>01/06/20</b>	4:30 PM	Tersa Kramer, Springwater Twp. Clerk	Left message to call back for an update meeting.
<b>01/06/20</b>	4:35 PM	Joleen Benson, Beaver Creek, Twp Clerk	Set-up update meeting with township for January 20th 7:30 pm
<b>01/06/20</b>	4:45 PM	Douglas Bos, Martin Township Twp., Clerk	Left message to call back for an update meeting.
<b>01/07/20</b>	8:00 AM	Elroy Deschepper, Del Rose	Text request to change meeting to February date.
<b>01/07/20</b>	8:05 AM	Douglas Bos, Martin Township Twp., Clerk	Text exchange on date for meeting with Martin Township in February.
<b>01/07/20</b>	9:45 AM	Joleen Benson, Beaver Creek, Twp Clerk	Revised meeting date request to February 10th. Joleen will confirm by phone prior.
<b>01/07/20</b>	9:50 AM	Elroy Deschepper, Del Rose	Agreed by text to move meeting date to 2/18 in Jasper, MN at 7 p.m.
<b>01/07/20</b>	9:50 AM	Tersa Kramer, Springwater Twp. Clerk	Left message to call back for an update meeting.
<b>01/07/20</b>	4:00 PM	Eric Hanson, Planner	Received return emailed for MET tower permitting requirements.
<b>01/07/20</b>	4:00 PM	Eric Hanson, Planner	Follow-up email request for MET tower permitting requirements.
<b>01/07/20</b>	4:00 PM	Eric Hanson, Planner	Follow-up email request for MET tower permitting requirements.
<b>01/09/20</b>	12:00 PM	Kurt Wenzel, Chair, Springwater Twp.	Left message to call back for an update meeting.
<b>01/09/20</b>	12:00 PM	Adams American Legion	Called for use of Legion hall. Not open till 4 pm

<b>Date</b>	<b>Time</b>	<b>Person(s)</b>	<b>Discussion</b>
<b>01/09/20</b>	12:00 PM	Kurt Wenzel, Chair, Springwater Twp.	Returned call; confirmed February 3rd Board date.
<b>02/06/20</b>	11:00 AM	Mark Sehr, County Engineer, Eric Hartman, County Planner, Jay Wetmore, Westwood Engineering and Thomas VonBische	Met at the Highway Department and discussed the Walleye Wind Road Use agreement and the regulations and permit requirements.
<b>02/06/20</b>	9:00 AM	Chamber of Commerce, Luverne Meeting	Met at Palace Theater on Main Street, Luverne
<b>02/06/20</b>	1:00 PM	Martin Twp.	Provided project update and schedule. Also answered questions.
<b>02/06/20</b>	7:00 PM	Springwater Twp.	Provided project update and schedule. Also answered questions.
<b>02/11/20</b>	7:30 PM	Beaver Creek Twp.	Provided project update and schedule. Also answered questions.
<b>02/11/20</b>	1:00 PM	Eric Hartman, County Planner	Dropped off CUP application and \$500 for met tower permit.
<b>02/11/20</b>	2:00 PM	Luverne High School, Craig Oftedahl, Superintendent; Adam Perkins, Coach; Stan Williamson, Commissioner; Ryan Johnson, HS Principal Luverne Principal	Presented \$5,000 check to Luverne High Schools new Robotics team.
<b>02/18/20</b>	9:00 AM	Eric Hartman, County Planner	Follow-up on permit review for MET tower.
<b>02/18/20</b>	9:00 AM	Rock County Board Attending Commissioners Reisch, Thompson, Williamson, Overgaard; Admin Kyle Older & Susan Skattum & NEER team Mike Weich, Tom VonBische	Provided update to Commission on project schedule and progress.
<b>02/18/20</b>	7:00 AM	Rose Dell Township: Jerry Purdin, Randy Miller' Larry Fjellanger. Joe Buysse and Ellroy Deschepper and NEER: Mike Weich & Thomas VonBische	Provided project update and schedule. Also answered questions.
<b>02/27/20</b>	1:47 PM	Eric Hartman, County Planner	Received comments on met tower submissions
<b>03/11/20</b>	8:37 AM	Eric Hartman, County Planner	Follow-up emails on met tower submissions and mailings
<b>03/31/20</b>	9:16 AM	Eric Hartman, County Planner	Responded to calls about shoreland, floodplain and wetlands.
<b>03/31/20</b>	11:16 AM	Todd Holthaus, Superintendent, Hills-Beaver Creek ISD #671	Emails regarding Amazon Fire tablet donations
<b>03/31/20</b>	4:15 PM	Eric Hartman, County Planner	Provided answers to questions regarding water well permits. Rock County does not issue permits for water wells. A licensed well

Date	Time	Person(s)	Discussion
			driller will be able to handle any state requirements, but keep in mind the well should be placed no closer than the road setbacks and property line setbacks (130 feet from the centerline of County and State roads, 65 feet from the centerline of township roads). For water extraction from Beaver Creek, you would want to contact our Area Hydrologist from the MNDNR, Tom Kresko (507-832-6045).
<b>03/19/20</b>	8:47 AM	Eric Hartman, County Planner	Notice of Public Hearing Received.
<b>03/23/20</b>	7:00 PM	Rock County Planning and Zoning Board	Approval granted for met towers (DM02 and DM02).
<b>03/31/20</b>	9:21 AM	Doug Bos	My questions and reviews would be concerning potential wetland impacts. Our office is the LGU for the Minnesota Wetlands Conservation Act. You had asked for shapefiles for each of your concerns. I can check with our GIS Technician, Arlyn Gehrke about sending the wetland shape files to you. I have cc'd Arlyn on this email. Please keep in mind that these maps are only possible locations, most projects have a wetland delineation done to verify and identify wetlands. We would then verify wetland delineation and impacts. If you have a wetland delineator on staff or plan on contracting with one, you can give them my contact information for questions.
<b>04/01/20</b>	2:07 PM	Amanda Rozeboom	Hills-Beaver Creek School Donation and W-9
<b>04/07/20</b>	9:00 AM	Rock County Commissioners	Approval granted for met towers (DM02 and DM02).
<b>04/07/20</b>	12:00 AM	Commision Gary Overgaard	Call on LO Mark Gath
<b>04/08/20</b>	2:00 PM	Ruth Ann Sobnosky, Environmental Consulting & Technology, Inc. Michelle Phillips, NEER Environmental Jessica Miller, Environmental Consulting & Technology, Inc. Ruth Ann Eric Hartman, Rock County P&Z Doug Bos, Rock County SWCD	Conference Call: April 8, 2020 – 1:30 p.m. Shoreland Setback: Applies to Public Waters only, there are no basins or wetlands designed as PW within the project boundary No permits will be required. A 300-foot setback for Public Water (top bank, ordinary high-water level). Underground collection will not require a permit. Temporary impacts allowed, including use of timber mats, open trenching for collection lines. Floodplain: Activities allowed within the floodplain. No permits will be required. Underground collection will not require a permit. Temporary impacts versus permanent impacts, specifically grading, stockpiles, bore holes, open trenching Wetlands: Timeline and process for jurisdictional determination NWI & DNR mapping. De minimis thresholds. Minnesota

<b>Date</b>	<b>Time</b>	<b>Person(s)</b>	<b>Discussion</b>
			Utility exception rules for utility installation. Restoration plan for temporary impacts.
<b>04/15/20</b>		Rock County Food Bank	Rock County Food Bank.
<b>04/16/20</b>	3:45 PM	Eric Hartman, County Planner	Discussed letter regarding Shoreland or Floodplain permitting for Walleye Wind.
<b>04/20/20</b>	4:00 PM	Mark Sehr, County Engineer Jay Wetmore, Westwood Engineering and Thomas VonBische	Calls regarding Road Use Agreements. Good with the form of agreement. No approach or driveway permits if included in the plan sheets.
<b>05/06/20</b>	4:00 PM	Eric Hartman, County Planner	Requested call to landowner with questions on the Walleye Wind project.
<b>05/07/20</b>	4:00 PM	Eric Hartman, County Planner	Referral of landowner requesting more information from NEER.
<b>05/15/20</b>	4:00 PM	Eric Hartman, County Planner	Called and emailed on process of County review and approval of Shoreland and floodplain letter.
<b>05/18/20</b>	7:50 AM	Eric Hartman, County Planner	Discussion on letter from County regarding the more stringent regulations of the County's smaller WECS rules.
<b>06/12/20</b>	4:41 PM	Eric Hartman, County Planner	Referral of landowner with questions on the project.
<b>06/12/20</b>	3:00 PM	Eric Hartman, County Planner	Phone call and email substation permitting requirements. CUP or Re-zoning. Not required if State process is in use.
<b>06/12/20</b>	3:30 PM	Commissioner Gary Overgaard	Phone call to discuss the stringencies letter and why it will be required for State compliance. Confirm Commissioners desire to host wind farm.
<b>06/18/20</b>	11:21 AM	Eric Hartman, County Planner	Email received check for \$138.00
<b>07/06/20</b>	N/A	Gary Overgaard, Rock County Board of Commissioners	Letter indicating that the County supports a finding that there is good cause not to apply the County's standards to the Project.

# **Agency Correspondence Catalog**



Date(s)	Communication Type	To/With	From	Topic	Subject/Response/Action Items
MNDNR					
5/3/2018	Conference Call	USFWS, MNDNR	WEST, RES	Project Introduction	Subject: New project location, planned surveys, and reviewed development plans and survey protocols for birds and bats.
01/27/2020	Email	MNDNR	ECT	MN NHIS Data Request	Subject: MN NHIS Data Request Form with project boundary map Response: Automatic reply, response anticipated in four weeks
2/6/2020	Meeting	USFWS, MNDNR	NEER, ECT	Project Introduction	Subject: Project introduction Action Items: Submit MN NHIS review letter to MNDNR in lieu of Data Request Form, and Submit email request to USFWS regarding known bald eagle nests in proximity to the project
2/13/2020	Letter (submitted via email)	USFWS, MNDNR	ECT	Avian Study Plan	Subject: Avian Study Plan with request for comments. Response: Awaiting Response
2/17/2020	Email	MNDNR	ECT	Native Prairie Protection Plan	Requested information on DNR Native Prairie Protection Plan template. Response: Contact MN PUC for example (per conference call on 4/15/2020)
2/28/2020	Letter (submitted via email)	MNDNR	ECT	MN NHIS	Subject: Requested feedback on MN NHIS records search and any known occurrence of sensitive species and habitats. Response: Awaiting Response
4/15/2020	Conference Call	USFWS, MNDNR	NEER, ECT	Project review and avian and bat survey findings	Subject: Project schedule, biological context, outstanding data requests, bat and avian survey findings to date. Action Items: Follow-up with Margaret Rheude, USFWS regarding proximity of bald eagle nest and proposed turbine array, and provide bat acoustic studies completed for the project

Date(s)	Communication Type	To/With	From	Topic	Subject/Response/Action Items
<b>MNDNR</b>					
<b>4/22/2020</b>	Email	USFWS, MNDNR	NEER, ECT	Bat Acoustic Studies	Subject: Provided previous bat acoustic monitoring studies with a summary of findings  Response: 4/28/2020
<b>4/28/2020</b>	Email	NEER, ECT	MNDNR	Bat Acoustic Studies	Subject: MNDNR is not recommending additional acoustic surveys. MNDNR requested additional information, and are concerned with special concern bat species within the vicinity of the project boundary.  Response: 5/27/2020
<b>5/27/2020</b>	Email	USFWS, MNDNR	NEER, ECT	Bat Acoustic Studies	Subject: Provided additional information regarding forested areas within the project area with mapping to demonstrate lack of habitat.  Response: 6/4/2020
<b>6/4/2020</b>	Email	MNDNR	NEER, ECT	MN NHIS	Subject: Request feedback on 2/28/20 submittal and provided overview of project boundary change.  Response: Awaiting Response
<b>6/4/2020</b>	Email	NEER, ECT	MNDNR	Bat Acoustic Studies	Subject: MNDNR has concerns regarding special concern bat species within the vicinity of the project boundary and will further review risk level as WCS and PCMM protocols are developed.
<b>USFWS</b>					
<b>5/18/2016</b>	Conference Call	USFWS	WEST, RES	Project Review	Subject: General project background, Tier 2 Site Characterization Assessment, proposed Tier 3 Wildlife Studies, avian use surveys, wetland and grassland avian use, and general bat activity.
<b>5/3/2018</b>	Conference Call	USFWS, MNDNR	WEST, RES	Project Review	Subject: New project location, planned surveys, and reviewed development plans and survey protocols for birds and bats.
<b>2/6/2020</b>	Meeting	USFWS, MNDNR	NEER, ECT	Project Introduction	Subject: Project introduction

Date(s)	Communication Type	To/With	From	Topic	Subject/Response/Action Items
<b>USFWS</b>					
<b>2/7/2020</b>	Letter (submitted via email)	USFWS	ECT	Federally Listed Species	Subject: Unofficial coordination regarding federally listed species within the vicinity of the Project Area. Response: 2/28/2020
<b>2/7/2020</b>	Email	USFWS	ECT	Record of Bald Eagle Nests	Subject: Requested records of bald eagle nests within the proposed project boundary, or within 10 miles of the proposed project. Response: Awaiting Response
<b>2/12/2020</b>	Email	USFWS	ECT	Topeka Shiner Critical Habitat	Subject: Requested GIS Shapefiles for critical habitat areas for the Topeka shiner. Response: 2/28/2020
<b>2/13/2020</b>	Letter (submitted via email)	USFWS, MNDNR	ECT	Avian Study Plan	Subject: Avian Study Plan with request for comments. Response: Awaiting Response
<b>2/21/2020</b>	Call	USFWS	ECT	Topeka Shiner Critical Habitat	Subject: requesting GIS Shapefiles for critical habitat areas for the Topeka shiner and determination if an incidental take permit would be required for impacts to these areas. Response: USFWS is not recommending the need for an incidental take permit for impacts to Topeka shiner critical habitat as these areas can be avoided through site design and planning.
<b>2/28/2020</b>	Email	ECT	USFWS	Federally Listed Species and Topeka Shiner Critical Habitat	Subject: Provided comments to unofficial coordination and map of Topeka shiner critical habitat
<b>4/15/2020</b>	Conference Call	USFWS, MNDNR	NEER, ECT	Project review and avian and bat survey finding	Subject: Project schedule, biological context, outstanding data requests, bat and avian survey findings to date. Action Items: Follow-up with Margaret Rheude, USFWS regarding proximity of bald eagle nest and proposed turbine array, and provide bat acoustic studies completed for the project

<b>Date(s)</b>	<b>Communication Type</b>	<b>To/With</b>	<b>From</b>	<b>Topic</b>	<b>Subject/Response/Action Items</b>
<b>USFWS</b>					
<b>4/22/2020</b>	Email	USFWS, MNDNR	NEER, ECT	Bat Acoustic Studies	Subject: Provided previous bat acoustic monitoring studies with a summary of findings  Response: 4/22/2020
<b>4/24/2020</b>	Email	NEER, ECT	USFWS	Bat Acoustic Studies	Subject: Review of previous bat acoustic monitoring studies and ECT provided summary of findings. USFWS additional information requested regarding the un-surveyed areas and proposed turbine locations.  Response: 5/27/2020
<b>5/27/2020</b>	Email	USFWS, MNDNR	NEER, ECT	Bat Acoustic Studies	Subject: Summary of forested areas within the project area with mapping to demonstrate. Request to consider low risk based on lack of available habitat and commitment to follow tree cutting restrictions.  Response: Awaiting Response
<b>6/10/2020</b>	Email	USFWS	NEER	Bald Eagle Nests	Subject: Project array revisions with no turbines within 1.6 miles of a known bald eagle's nest.  Response: Awaiting Response
<b>SHPO &amp; Local Tribes</b>					
<b>8/13/2019</b>	Tribal Outreach Letter	Local Tribes: 31	NEER, SWCA	Project Introduction	Subject: General Project introduction and Project involvement interest letter
<b>9/24/2019</b>	Meeting/Site Visit	Local Tribes: Cheyenne River Sioux Tribe, Flandreau Santee Sioux Tribe, Lower Sioux Indian Community, Sisseton Wahpeton Oyate, Spirit	NEER, SWCA	Micrositing	Subject: Project introduction and Site Visit

		Lake Tribe, and Yankton Sioux Tribe			
<b>11/18- 22/2019</b>	Micrositing	Local Tribes: Sisseton Wahpeton Oyate, Rosebud Sioux Tribe, and Lower Sioux Indian Community	ECT, SWCA	Micrositing	Subject: Project on-site micrositing
<b>11/21/2019</b>	Meeting	SHPO	NEER, SWCA	Project Introduction	Subject: Project introduction meeting with staff, general process review
<b>5/13/2020</b>	Meeting	OSA	NEER, ECT, SWCA	Project Introduction	Subject: Project introduction meeting with staff, review OSA role in PUC projects, recording and evaluation of tribal resources and eligibility, and collection practices on private land
<b>5/19- 22/2020</b>	Micrositing	Local Tribes: Sisseton Wahpeton Oyate	ECT, SWCA	Micrositing	Subject: Project on-site micrositing
<b>Date(s)</b>	<b>Communication Type</b>	<b>To/With</b>	<b>From</b>	<b>Topic</b>	<b>Subject/Response/Action Items</b>
<b>MN PUC</b>					
<b>12/19/2019</b>	Meeting	MNPUC	NEER	Project Introduction	Subject: Introductory Meeting
<b>2/5/2020</b>	Meeting	MNPUC	NEER, ECT	Pre-application Meeting	Subject: Pre-application meeting

# **Letter Correspondence as Attachment**



August 13, 2019

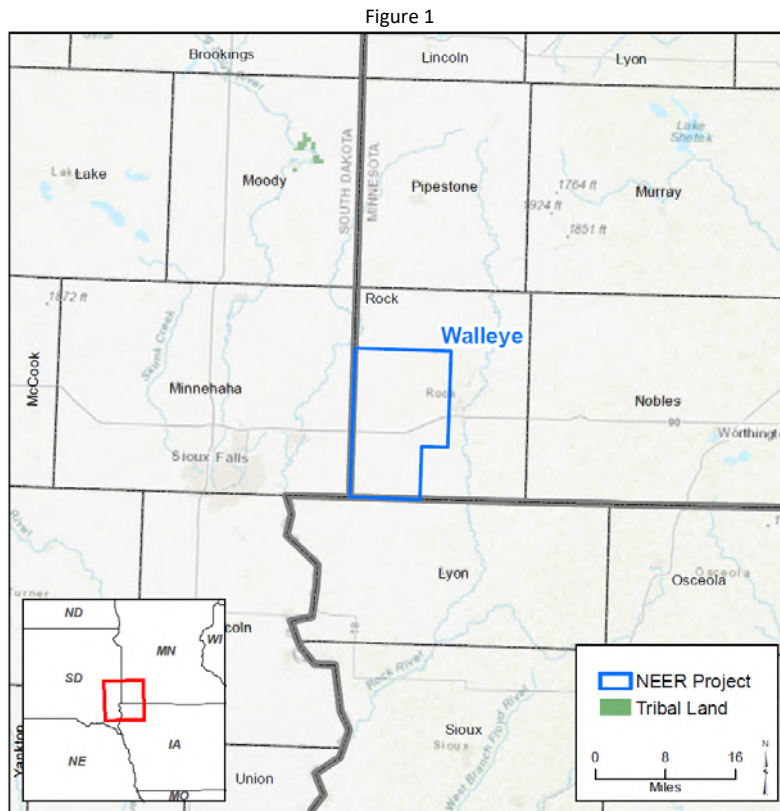
Ms. Dianne Desrosiers  
Tribal Historic Preservation Officer  
Sisseton Wahpeton Oyate  
PO Box 907  
Sisseton, SD 57262

**Subject: Development of Celery Creek Wind Project in Rock County, Minnesota.**

Dear Ms. Desrosiers,

Celery Creek Wind, LLC, an indirect, wholly-owned subsidiary of NextEra Energy Resources, LLC (NextEra), is in the process of developing the Celery Creek Wind Project (Celery Creek) in Rock County, Minnesota. Walleye was recently acquired by NextEra and will be located on private land roughly 20 miles northeast of Sioux Falls, South Dakota.

Celery Creek will be comprised of approximately 38 wind turbine generators with a total nameplate capacity of approximately 111 megawatts (MW). Additional facilities proposed to be reconstructed include access roads, electrical collection systems and cabling, meteorological (MET) towers, an operations and maintenance facility, substation, a temporary concrete batch plant and a temporary laydown yard. The project will interconnect with the grid at the Rock County Substation as shown below in Figure 1.



Celery Creek plans to complete initial wind turbine micro-siting by fall 2019, weather permitting, and anticipates conducting cultural surveys shortly thereafter. We can offer two (2) “slots” for participation in micro-siting, with a greater opportunity for up to six (6) slots during the pedestrian surveys.

Celery Creek anticipates filing all required permit applications with the Minnesota Public Utilities Commission by summer 2020, with final permits issued and construction scheduled to begin by Summer 2021. **At this time, we are not expecting to coordinate with any federal agencies; therefore, formal Section 106 consultation is not required.**

Consistent with NextEra's policy to reach out to Tribes in the area of its projects, I wanted to provide you with information about the project and ask whether you have an interest in receiving further information and/or would like to participate in upcoming project surveys.

### **Project Area**

The proposed project area is approximately 31,000 acres located west of Luverne, Minnesota and is located within the Western Corn Belt Plains Ecoregion. The land cover in the project area is predominately agricultural and previously disturbed. Much of the region was originally dominated by tall-grass prairie, riparian forest, and woody and herbaceous wetlands. Today, most of the area has been cleared for farms producing corn, soybeans, and livestock. The majority of the Project is composed of cropland (83%), with sparse forest patches and wetlands.

### **Proposed Project**

As described above, the proposed project would consist of the construction of an array of wind turbines, each with an associated transformer. Proposed project facilities would include the following components:

- Up to 38 wind turbines;
- All-weather access roads to each turbine site;
- Underground electrical collection lines and fiber optic cables from each turbine to the collection substation;
- A temporary laydown yard (up to 15 acres);
- A temporary batch plant location (up to additional 5 acres);
- Up to 2 temporary and 2 permanent SCADA MET towers; and
- An O&M yard (approximately 10 acres);
- A collection substation (approximately 5 acres);

Although the Project layout is still preliminary, based on similar projects in the region, we anticipate that no more than 5 percent of the proposed project area would be temporarily disturbed during construction of the project. Our typical operational facilities generally have no more than 2 percent of the project area permanently impacted by infrastructure. Construction activities may temporarily disturb soils and vegetation to an extent that would require some regrading, compaction mitigation, and reseeding following completion of operations. Additionally, the areas temporarily affected could be restored to crop production or grassland, depending on landowner preferences. Access roads, O&M building, substation, and temporary construction/laydown areas would be installed as necessary to fully accommodate all aspects of Project construction, operation, and maintenance.

### **Cultural Resources Studies**

NextEra acquired the Celery Creek project from another developer who previously contracted with Wenck Associates, Inc. to conduct a Phase IA Cultural Resources Assessment in 2018. Their review concluded that the area has not been subject to extensive cultural resource survey and several of the sites were



documented as the result of landowner information. The review identified 7 previously recorded archeological sites. Based on modelling, two areas within the Project Area have been tentatively identified as having a potential for the presence of archaeological materials. The first area includes those lands adjacent to Beaver Creek as it crosses the proposed Project Area which are tentatively assigned a moderate to high potential. The second area includes those lands adjacent to an unnamed tributary of Beaver Creek which are tentatively assigned a moderate potential.

Under NextEra, Celery Creek has contracted with SWCA to perform all subsequent cultural resource work associated with the project, including field surveys, and an updated Phase IA desktop assessment is underway.

Celery Creek commits to working with all interested Tribes who respond to this outreach effort to avoid any newly document sites and the previously documented TCP resources within the project area, to the extent feasible. Cultural resources would be fenced if they are adjacent to construction areas so as to reduce the potential that they would be inadvertently disturbed during construction.

**General Project Timing**

<b>Project Micrositing</b>	Fall 2019
<b>Archaeological Field Work/Pedestrian Surveys</b>	Late-Fall 2019
<b>Prepare &amp; Complete Cultural Resource Report</b>	Spring 2020
<b>Finalize Site Layout/Design</b>	Spring 2020
<b>File Minnesota PUC Applications</b>	Summer 2020
<b>Final Permits Issued</b>	Late-Spring 2021
<b>Construction Mobilization</b>	Summer 2021
<b>Commercial Operation Date</b>	Late-Fall 2021

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I hope this information has been helpful to you. Again, as it is NextEra’s policy to reach out to Tribes in the vicinity of its projects, I wanted to provide you this information about the project. Please let me know if you have an interest in the project area and would like to be involved in further discussions so that we can answer any questions, provide you additional information, discuss any concerns you may have about the project, and plan any requested tribal participation accordingly. I can be reached at (561) 304-5168 or via email at [Ronald.Burris@NextEraEnergy.com](mailto:Ronald.Burris@NextEraEnergy.com).

Regards,



Ronald F. Burris  
Sr Project Manager, Tribal Relations

Cc: Mike Weich, NextEra  
Kim Wells, NextEra  
Michelle Phillips, NextEra  
Richard Estabrook, NextEra



February 7, 2020

Ms. Shauna Marquardt  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Ecological Services Field Office  
4101 American Boulevard East  
Bloomington, MN 5525-1665

Transmitted via email: [Shauna\\_Marquardt@fws.gov](mailto:Shauna_Marquardt@fws.gov)

RE: Walleye Wind Project  
Springwater, Beaver Creek, Luverne, and Martin Townships, Rock County, MN

Dear Mr. Delphey,

Walleye Wind, LLC (Walleye Wind), is proposing the development of a commercial wind energy facility located in Springwater, Beaver Creek, Luverne, and Martin Townships in Rock County, Minnesota. Walleye Wind has retained the services of Environmental Consulting and Technology, Inc. (ECT), to provide a review of potential threatened and endangered species (TES) that may occur within the proposed Wind Resource Area (WRA).

**PROPOSED WORK AND SITE LOCATION**

The proposed project includes construction of a 111.5 MW wind energy facility (Project). Approximately 36,291-acres of land being considered for the Walleye Wind Project were investigated during ECT’s on-site visit in November 2019. Below is a table of the sections within the township and range. A site location map is provided in **Attachment A**.

County	Township	Range	Sections
Rock	T102N	R47W	1, 2, 11-13, 24, 25
Rock	T102N	R46W	1-30, 33-36
Rock	T102N	R45W	6, 18
Rock	T101N	R46W	3
Rock	T103N	R47W	1, 11-14, 23-26, 35, 36
Rock	T103N	R46W	6, 7, 18, 19, 29-36

**ON-SITE HABITATS**

A majority of the WRA is managed cropland and open livestock pastures with some smaller riparian areas along streams. Forested areas on-site are limited to only a few isolated woodlots. A preliminary windshield survey in the fall of 2019 identified scattered wetlands and stream channels throughout portions of the WRA.

### **FEDERALLY THREATENED AND ENDANGERED SPECIES**

ECT has utilized the USFWS's Information for Planning and Consultation (IPaC) tool to generate an unofficial list of TES that occur within the WRA and a surrounding 1-mile area. The IPaC results found in **Attachment B**, indicate that the project is within the range of one federally-endangered species; Topeka shiner (*Notropis topeka*), and five federally-threatened species; northern long-eared bat (*Myotis septentrionalis*), the red knot (*Calidris canutus rufa*), Dakota skipper (*Hesperia dacotae*), prairie bush clover (*Lespedeza leptostachya*), and western prairie fringed orchid (*Platanthera praeclara*).

Due to the highly agricultural landscape, it is ECT's opinion that federally listed species are not likely to occur on-site of the WRA. ECT evaluated the potential for suitable habitat within the proposed Project Area for TES through aerial desktop review and field observations made during on-site assessments in the fall of 2019.

#### **Topeka Shiner**

Topeka shiners are typically found within small to mid-sized rivers within perennial, or year-round flow, but have been known to tolerate intermittent streams, oxbows, and side-channel habitats during dry times such as summer months or times of drought.

Several large perennial streams systems including Springwater Creek, Beaver Creek, Little Beaver Creek, and Mud Creek cross through portions of the WRA. Portions of Springwater Creek, Beaver Creek, Little Beaver Creek, Mud Creek and associated tributaries within the portions of the WRA are designated by the USFWS as critical habitat for this species. Minnesota Department of Natural Resources' (MNDNR), Natural Heritage Inventory System (MN NHIS) data indicated known occurrences of this species in portions of Split Rock Creek, Beaver Creek, and Mud Creek within the WRA and surrounding 1-mile area.

#### **Northern Long-Eared Bat**

Minnesota Department of Natural Resources' (MNDNR), Natural Heritage Inventory System (MN NHIS) did not indicate known occurrences of the northern long-eared bat within two miles of the Project. ECT staff biologists conducted on-site surveys for potential habitat within the WRA. These surveys did not identify potential winter hibernacula sites within the Project Area. Forested areas within the WRA and surrounding 1-mile area are comprised of small isolated woodlots (each less than 10 acres in size) with no connectivity to wooded riparian streams, and thus likely do not offer suitable habitat for the northern long-eared bat. It is unlikely that northern long-eared bat occurs within the WRA.

#### **Dakota Skipper**

The Dakota skipper is most commonly found in undisturbed habitats of moist bluestem prairie and upland tall grass prairie. On-site visits indicated that available grassland habitat of the WRA buffer is comprised mostly of grazed pasturelands and remnant prairies along railroads, roadways, and agricultural fields and MN NHIS data did not indicate known occurrences of the Dakota skipper within the WRA or surrounding 1-mile area. It is unlikely that the Dakota skipper occurs within the WRA.

Ms. Shauna Marquardt  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Ecological Services Field Office  
February 7, 2020  
Page 3

### **Listed Plant Species**

Agricultural disturbances to native landscapes reduce the likelihood of threatened plant species, such as the western prairie fringed orchid and prairie bush clover, to occur within the WRA. MN NHIS data indicates that remnant prairie habitat within the WRA is limited to a few areas along railroad rights-of-way within the southern WRA. It is unlikely that listed plant species occur within the WRA.

### **AVIAN SPECIES**

Bald eagles live near large bodies of water including estuaries, rivers, lakes, reservoirs, and coasts that provide a foraging base for the birds. Breeding eagles typically construct nests in large conifers that extend above the surrounding canopy. Potential habitat for bald eagles within the WRA/1-mile buffer is sparse. However, two (2) eBird occurrence records have been indicated within portions of the WRA. Most of the occurrence records for bald eagles within the WRA are along Interstate 90, but this is likely a detection bias of observers traveling along the interstate.

Though eagles may occasionally be observed within the region, it is unlikely that residential eagles are nesting within the WRA. ECT biological staff did not identify bald eagle nests on-site of the WRA during on-site visits in the fall of 2019

Red knots are rare within the state of Minnesota and do not breed within the state. It is unlikely that the red knot would be found within the WRA .

Although it is ECT's opinion that it is unlikely that the referenced TES occur within the Walleye Wind Project site, we appreciate feedback on the known occurrence of sensitive species and habitats and other potential environmental concerns with regards to the proposed Project.

If you have any questions or need additional information, please contact me at (216) 378-7834 or [rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com).

**ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.**

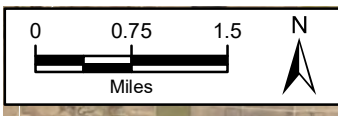


Ruth Ann Sobnosky  
Program Manager - Planning & Permitting  
Natural Resources

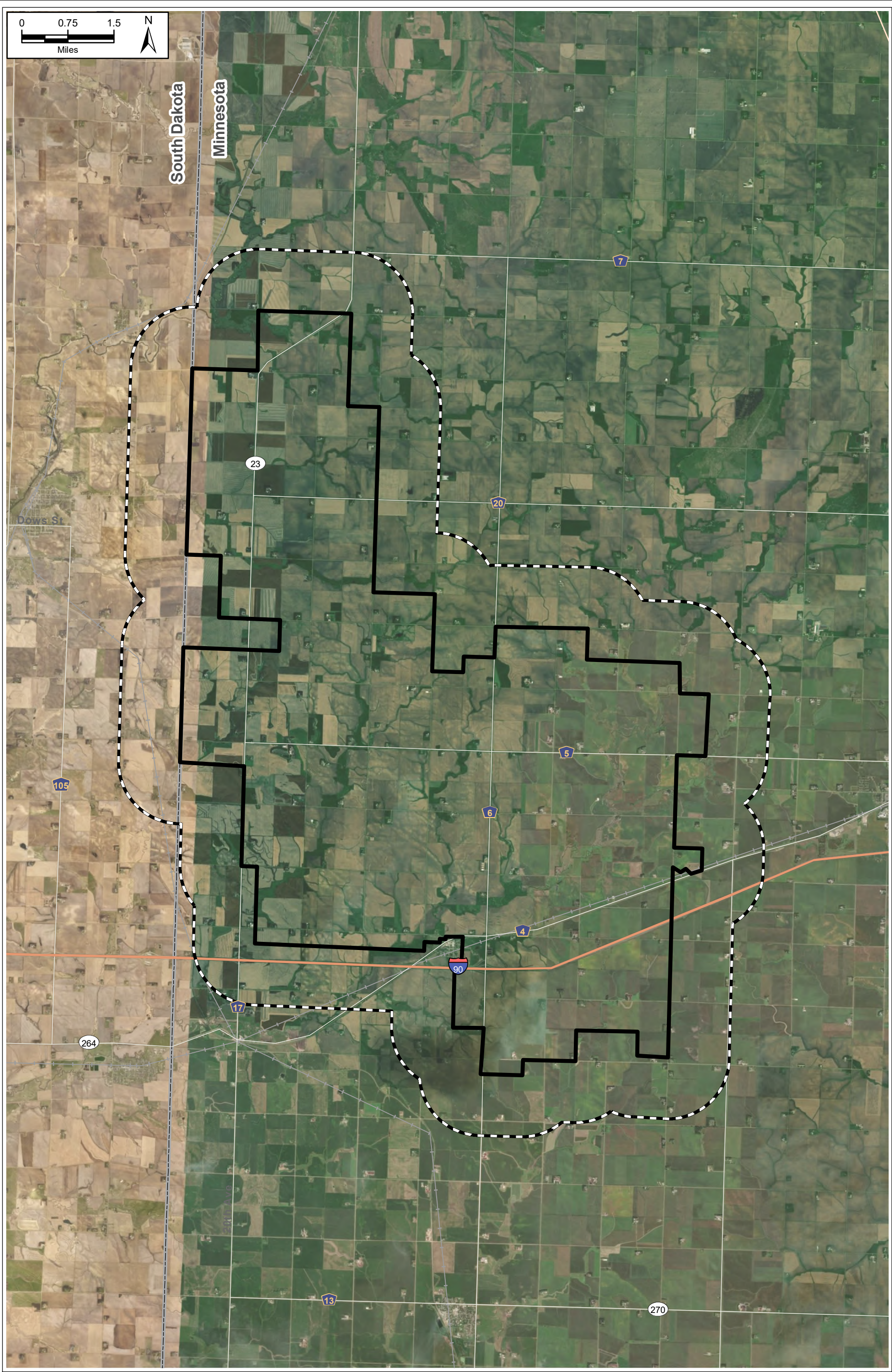
**Enclosures :** Attachment A: Site Location Map  
Attachment B: USFWS IPaC Results

**Attachment A :**  
**Site Location Map**







South Dakota  
Minnesota



SITE LOCATION MAP  
WALLEYE WIND PROJECT  
WALLEYE WIND PROJECT, LLC

-  Project Boundary (± 36,291 Ac.)
-  1 Mile Buffer



Sources: Digital Globe Imagery, 2018; ECT, 2020.



**Attachment B :**  
**USFWS IPaC Results**

## IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

### Location

#### Minnesota and South Dakota



### Local offices

#### Minnesota-Wisconsin Ecological Services Field Office

☎ (952) 252-0092

📠 (952) 646-2873

##### MAILING ADDRESS

4101 American Blvd E  
Bloomington, MN 55425-1665

##### PHYSICAL ADDRESS

4101 American Blvd E  
-  
Bloomington, MN 55425-1665

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

#### South Dakota Ecological Services Field Office

☎ (605) 224-8693

📠 (605) 224-9974

420 South Garfield Avenue, Suite 400  
Pierre, SD 57501-5408

<http://www.fws.gov/southdakotafieldoffice/>



## Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Birds

NAME	STATUS
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

### Fishes

NAME	STATUS
Topeka Shiner <i>Notropis topeka</i> (=tristis) There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="https://ecos.fws.gov/ecp/species/4122">https://ecos.fws.gov/ecp/species/4122</a>	Endangered

### Insects

NAME	STATUS
Dakota Skipper <i>Hesperia dacotae</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. <a href="https://ecos.fws.gov/ecp/species/1028">https://ecos.fws.gov/ecp/species/1028</a>	Threatened

### Flowering Plants

NAME	STATUS
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/4458">https://ecos.fws.gov/ecp/species/4458</a>	Threatened
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1669">https://ecos.fws.gov/ecp/species/1669</a>	Threatened

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Topeka Shiner <i>Notropis topeka</i> (=tristis) <a href="https://ecos.fws.gov/ecp/species/4122#crithab">https://ecos.fws.gov/ecp/species/4122#crithab</a>	Final

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere



<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Oct 15 to Aug 31
<b>Black Tern</b> <i>Chlidonias niger</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20
<b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
<b>Bobolink</b> <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
<b>Franklin's Gull</b> <i>Leucophaeus pipixcan</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Henslow's Sparrow</b> <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a>	Breeds May 1 to Aug 31
<b>Hudsonian Godwit</b> <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Lesser Yellowlegs</b> <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Marbled Godwit</b> <i>Limosa fedoa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9481">https://ecos.fws.gov/ecp/species/9481</a>	Breeds May 1 to Jul 31
<b>Nelson's Sparrow</b> <i>Ammodramus nelsoni</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Sep 5
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Rusty Blackbird</b> <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Semipalmated Sandpiper</b> <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Wood Thrush</b> <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

- To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

**Breeding Season** (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**Survey Effort** (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

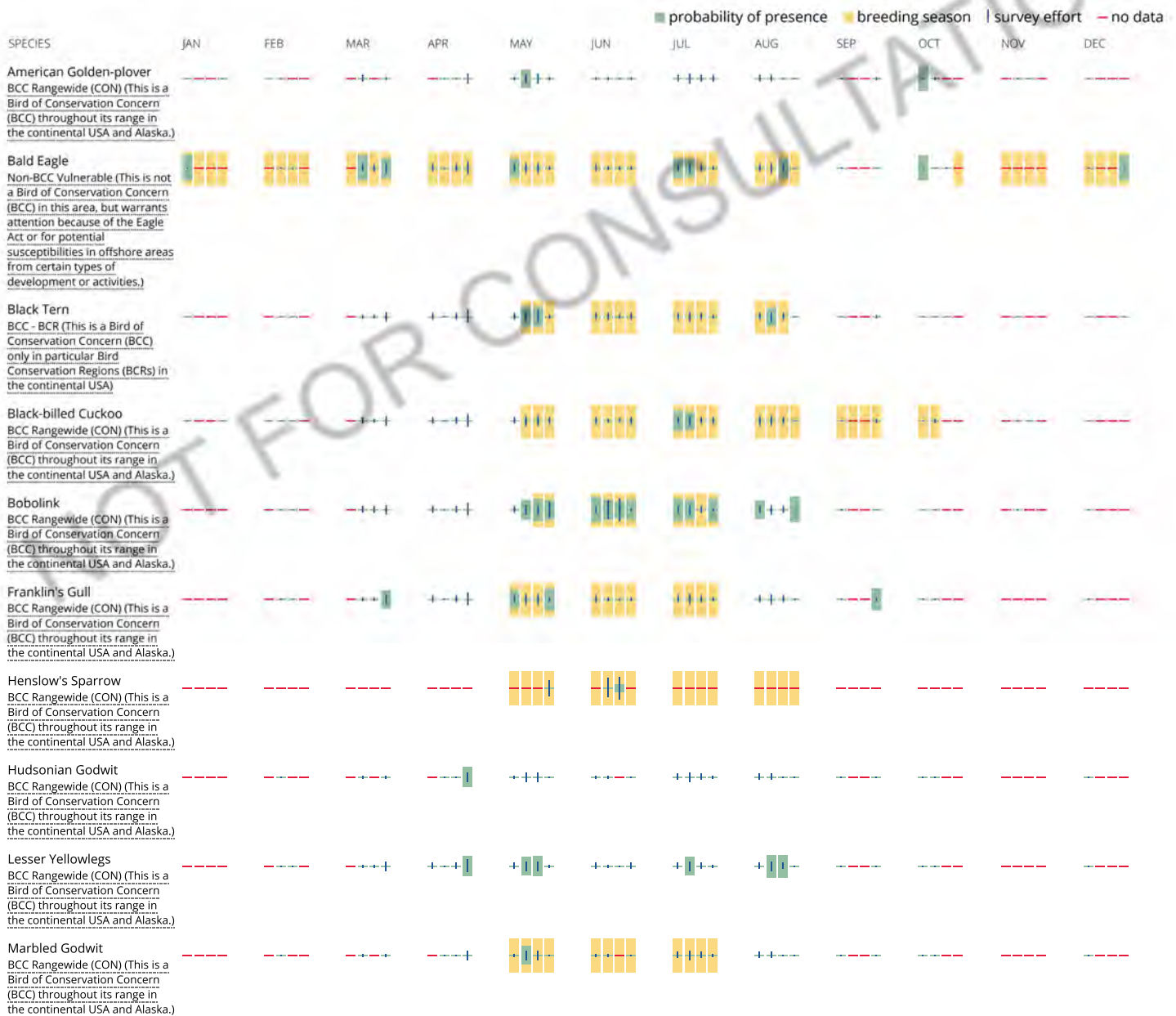
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

**No Data** (—)

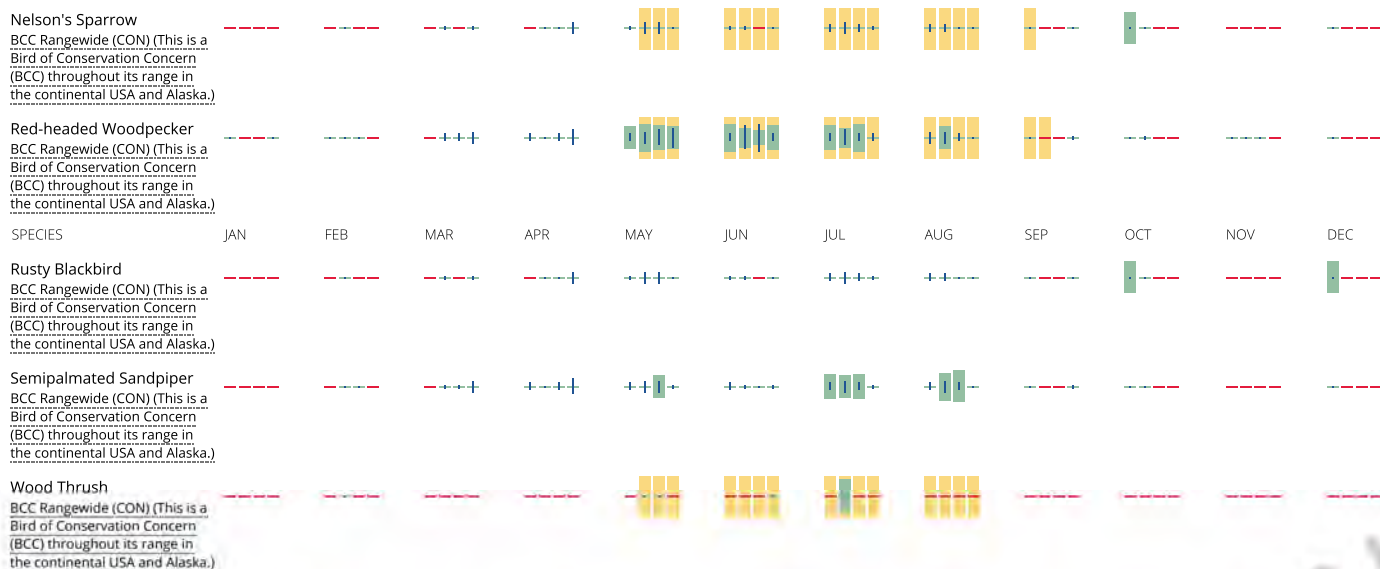
A week is marked as having no data if there were no survey events for that week.

**Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







### Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#), and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

#### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

#### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

This location overlaps the following National Wildlife Refuge lands:

LAND	ACRES
Windom Wetland Management District	2,839.88 acres
<p>(507) 831-2220            (507) 831-5524</p> <p>MAILING ADDRESS            49663 County Road Number 17            Windom, MN 56101-3026</p> <p>PHYSICAL ADDRESS            49663 County Road Number 17            Windom, MN 56101-3026</p> <p><a href="https://www.fws.gov/refuges/profiles/index.cfm?id=32587">https://www.fws.gov/refuges/profiles/index.cfm?id=32587</a></p>	

### Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

## Ruth Ann Sobnosky

---

**From:** Ruth Ann Sobnosky  
**Sent:** Friday, February 7, 2020 2:05 PM  
**To:** Margaret\_Rheude@fws.gov  
**Cc:** Marquardt, Shauna; Phillips, Michelle; Jessica Miller  
**Subject:** Walleye Wind LLC - bald eagle records  
**Attachments:** WalleyeBoundary\_2019-12-30.zip

Mags,

Yesterday we met with Shauna and the staff from the DNR to introduce the project. As a follow-up to our meeting, we are requesting any records of known bald eagle nests within the proposed project boundary, or within 10 miles of the proposed project.

Attached please find the shapefiles. Let me know if you need any additional information.

Thanks, Ruth Ann

Ruth Ann Sobnosky  
Program Manager – Planning & Permitting | Natural Resources



161 East Aurora Road | Northfield, Ohio 44067  
330-592-2587 (Mobile)  
[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)  
Follow us: [LinkedIn](#) | [Twitter](#)

**Complex Challenges Practical Solutions**



## Ruth Ann Sobnosky

---

**From:** Jessica Miller  
**Sent:** Wednesday, February 12, 2020 1:51 PM  
**To:** Marquardt, Shauna R  
**Cc:** Marsh, Dawn S; Ruth Ann Sobnosky  
**Subject:** Re: Topeka shiner - Walleye Wind

Hi Dawn,

We were trying to get any GIS shapefiles for the critical habitat areas for the Topeka shiner habitat in the Walleye Wind Project Area. As we are siting turbines, access roads, collection lines and crane walks, we are trying to best avoid crossing those designated waterways.

In addition we wanted to know if there would be any specific guidance relating to crossing a designated critical habitat area during a crane walk (this would be a temporary crossing of a stream with timber mats or even installing a temporary culvert for crossing during turbine construction) during the spawning period. This may include removal of some trees/shrubs on either side of the stream. Crane walk widths are about 50 feet.

Thanks,

Jessica Miller  
Senior Manager-Midwest  
Environmental Consulting & Technology, Inc

Sent from my iPhone

On Feb 12, 2020, at 12:43 PM, Marquardt, Shauna R <Shauna\_Marquardt@fws.gov> wrote:

Hi Jessica,

I got your voicemail about Topeka shiner CH issues. I'm not going to be able to answer your questions via phone, and I've enlisted the help of a biologist here to work on wind. Her name is Dawn Marsh (cc'd). Can you send your inquiry to us via email? Dawn will be your point of contact for project coordination and species information here forward. Once she's had a chance to take a look at the potential Topeka shiner impacts, I'll discuss with her and we'll give you some guidance.

She's working on your initial request today, so we should have something back to you on that relatively soon.

---

Shauna Marquardt | Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Ecological Services Field Office

office: 952-252-0092 x 247 | mobile: 573-239-3293



February 13, 2020

Ms. Shauna Marquardt  
U.S. Fish and Wildlife Service  
Minnesota/Wisconsin Ecological Services Field Office  
4101 American Boulevard East  
Bloomington, MN, 55425

Re: Walleye Wind Project  
Avian Study Plan Fall 2019 – Summer 2020  
Rock County, Minnesota

Dear Ms. Marquardt:

Environmental Consulting & Technology, Inc. (ECT) proposes to conduct avian resources studies for the Walleye Wind Project in Rock County, Minnesota. The Walleye Wind Resource Area (WRA) spans approximately 36,291 acres.

Protocols outlined in this study plan follow recommendations set forth in the *National Wind Coordinating Collaborative's Comprehensive Guide to Studying Wind Energy/Wildlife Interactions* (Strickland et al. 2011). In addition, the study plan incorporates recommendations of survey protocol design from the U.S. Fish and Wildlife Service (USFWS) Eagle Conservation Plan Guidance (ECPG) – Module 1 (USFWS 2013) for sites that have sufficient eagle use to warrant a targeted survey strategy. The survey effort outlined in this study plan is consistent with the Land-based Wind Energy Guidelines (WEG) *Tier 3 – Field Studies to Document Site Wildlife & Habitat and Predict Project Impacts* (USFWS 2012), the ECPG *Stage 2 – Site-specific Surveys and Assessments* (USFWS 2013) and the *Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota* (Mixon et al. 2014).

### **COMBINED AVIAN MIGRATION AND EAGLE USE SURVEY**

To provide an ornithological baseline dataset for the WRA, ECT will conduct a one-year avian resources study from August 2019 to August 2020. This one-year study will include eagle use surveys spanning all ecological seasons/survey periods (i.e., spring, summer, fall, and winter) and general avian migration surveys conducted during the spring and fall migration periods.

Surveys will utilize a total of 34 locations (see the attached *Avian Study Plan Map*) for standard 800-meter radius point counts (approximately 2 km<sup>2</sup> sample area).

Survey protocols outlined herein are intended to acquire the following information:

- 1) Eagle use metrics for evaluating risk to eagles and modeling eagle fatality rates in compliance with the ECPG recommended protocols (including time measurement that each observed eagle spends within a cylindrical risk zone up to 200 meters in height);
- 2) Migration use by all avian taxa to determine species richness, occurrence phenology, concentration zones, and stopover habitat use for high profile species of conservation concern;
- 3) Habitat use by all avian taxa for nesting purposes, particularly by species of conservation concern (e.g., obligate grassland species); and
- 4) Wintering habitat use by all avian taxa, particularly by wintering raptors.

### **Eagle Use Survey – WEG Tier 3 and ECPG Stage 2**

Eagle surveys will follow sampling effort guidelines and protocols described in Appendix C of the ECPG (USFWS 2013). A total of 34-point count locations have been set over the 36,291-acre WRA. Each count location will: a) be distributed along low-traffic roadways; b) accommodate vantage views of at least 270° and; c) be spaced to ensure that 800-meter survey areas do not overlap when possible. A total of 34-point count locations were selected to ensure that at least 30% of the area within 1 km of the proposed turbine array is surveyed. Each eagle use point count will be 60 minutes in duration and be conducted bi-weekly during the migratory periods defined in the *Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota* (Mixon et al. 2014); August 1-November 15 and March 15-June 15. During non-migratory periods (December, January, February, and July), eagle use surveys will be conducted at each survey location once per month. The survey order of the point locations will be initiated at a randomly selected point location on each site visit. In total, eagle use survey effort will take place over a one-year survey period from August 2019 to August 2020.

The same 34 eagle use point count locations will be combined with the general all-species use survey protocol (described below).

### **All Species/Migration Use Surveys – WEG Tier 3**

All-species use surveys will be conducted for the duration of the one-year survey period from August 2019 to August 2020. Bi-weekly surveys will be conducted during migratory periods which incorporates the additional sampling recommendations for the August 1-November 15 and March 15 to June 15 timeframes outlined in the *Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota* (Mixon et al. 2014). During non-migratory periods (December, January, February, and July), all-species use surveys will be conducted at each survey location once per month.

All-species use surveys will be conducted at the same 34-point count locations set for the eagle survey protocol. This structure will allow collection of multiple sets of avian use data while minimizing mobilization efforts.

All-species use point counts will be 20 minutes in duration and be conducted bi-weekly from August-November 2019 and March-June 2020. During the months of December, January, February, and July, all-species use surveys will be conducted once per month. All species will be recorded during the initial 20 minutes detected within an 800-meter radius. After this initial 20-minute survey, a second, 60-minute survey will follow recording only large-bodied birds (e.g., waterfowl, raptors, waterbirds) detected within the 800-meter radius. Flight duration within the rotor swept zone, flight heights, flight directions, and behaviors associated with each observation will be recorded for large-bodied birds.

### **AERIAL TRANSECT RAPTOR NEST SURVEY – WEG TIER 3 AND ECPG STAGE 2**

To evaluate the WRA and surrounding 10-mile buffer for nesting structures of eagles, other raptors, and of large-bodied colonial birds such as herons, ECT will conduct an aerial transect survey via helicopter during winter or early spring (February – March of 2020).

Eagle and raptor nests will be surveyed in the WRA and 2-mile buffer. Within the 10-mile buffer, the aerial survey effort will focus on suitable habitat that are more likely to provide nesting resources for bald eagles (e.g., woodland, riparian corridors). Areas of the WRA where forest cover hinders visibility will be flown from multiple angles and explored more thoroughly. Breeding raptor data collected during the aerial survey will be supplemented with pertinent data collected during eagle use and avian migration surveys.

**SCHEDULE**

Work outlined in this study plan commenced in late August 2019 and will continue through mid-August 2020. The avian study plan was adjusted in January to incorporate a revised array in order to ensure that adequate survey coverage was provided in keeping with the ECPG recommendations. Aerial nest surveys will be conducted in February-March 2020.

Please let us know if you need additional information or have questions concerning this study plan.

Respectfully submitted,

**ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.**



Edward Keyel  
Associate Scientist II



Jessica Miller  
Senior Manager – Midwest

CC: Michelle Phillips, NextEra Energy Resources  
Becky Horton, Minnesota Department of Natural Resources  
Cynthia Warzecha, Minnesota Department of Natural Resources

Enclosure: Avian Study Plan Map

**REFERENCES**

- Mixon, K. L., J. Schrenzel, D. Pile, R. Davis, R. Doneen, L. Joyal, N. Kestner, M. Doperalski, and J. Schladweiler (2014). Avian and Bat Survey Protocols for Large Wind Energy Conversion Systems in Minnesota. Minnesota Department of Natural Resources and Minnesota Department of Commerce.
- Strickland, M., E. Arnett, W. Erickson, D. Johnson, G. Johnson, M. Morrison, J. Shaffer, and W. Warren-Hicks (2011). Comprehensive Guide to Studying Wind Energy/Wildlife Interactions. Prepared for the National Wind Coordinating Collaborative.
- USFWS (2012). U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines [March 23, 2012]. U.S. Fish and Wildlife Service.
- USFWS (2013). Eagle Conservation Plan Guidance, Module 1 - Land-based Wind Energy, Version 2. U.S. Fish and Wildlife Service.





## Ruth Ann Sobnosky

---

**From:** Jessica Miller  
**Sent:** Wednesday, February 19, 2020 3:32 PM  
**To:** Ruth Ann Sobnosky; Alyssa Dietz-Oergel  
**Subject:** FW: Native Prairie Protection Plan

---

**From:** Jessica Miller  
**Sent:** Monday, February 17, 2020 10:29 AM  
**To:** Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>  
**Subject:** Native Prairie Protection Plan

Good Morning Lisa,

I was writing to follow up with a meeting we had two weeks ago concerning the Walleye Wind Project. Becky mentioned that you were working on a template for the Native Prairie Protection Plan and I was inquiring if that was complete yet? Thank you in advance for any information you can provide.

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



161 E. Aurora Road | Northfield, Ohio 44067

O: 216.518.2807

M: 440.263.9568

[jmiller@ectinc.com](mailto:jmiller@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

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**From:** [MN NHIS Review \(DNR\)](#)  
**To:** [Alyssa Dietz-Oergel](#)  
**Subject:** Automatic reply: MN NHIS Database Request- Walleye Wind Project, Rock County, MN  
**Date:** Monday, January 27, 2020 4:31:31 PM

---

We have received your NHIS Data Request. Please check that you have included a signed the form and a map showing the project boundaries. Incomplete requests may be delayed.

The response will go out approximately four weeks after we have received all of the required information. If you have not received a response after four weeks, please feel free to contact Samantha Bump ([samantha.bump@state.mn.us](mailto:samantha.bump@state.mn.us) or 651-259-5091). Do not send status inquiries to the Review.NHIS email address.

Thank you,

*Lisa Joyal*

NHIS Review Coordinator

*Samantha Bump*

NHIS Review Specialist





2012	<b>For Agency Use Only:</b>	#Sec _____ Contact Rqsted? _____
	Received _____ Due _____ Inv _____	#EOs _____ Survey Rqsted? _____
	Search Radius _____mi. L / I / D EM 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?

Mr.  Ms. \_\_\_\_\_  
 Name and Title Ruth Ann Sobnosky  
 Agency/Company Environmental Consulting and Technology, Inc.  
 Mailing Address 161 E Aurora Road Northfield OH 44067  
(Street) (City) (State) (Zip Code)  
 Phone (216) 518-2807 e-mail rsobnosky@ectinc.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 or Route Application     Watershed Plan     BER  
 Federal EIS     State EIS     Local Government Permit     Research Project  
 NEPA Checklist     Other (describe) \_\_\_\_\_  
 Check here if this project is funded through any of the following grant programs: Lessard-Sams Outdoor Heritage Council (L-SOHC), Conservation Partners Legacy (CPL), or Legislative-Citizen Commission on Minnesota Resources (LCCMR).

### 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 / MBS Status	County	Township #	Range #	Section(s) (please list <b>all</b> sections)	For Agency Use: TRS Confirmed <input type="checkbox"/>
	Rock	T102N	R47W	1, 2, 11-13, 24, 25	
	Rock	T102N	R46W	1-30, 33-36	
	Rock	T102N	R45W	6, 18	
	Rock	T101N	R46W	3	

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

Project Name: Walleye Wind

Project Proposer: Walleye Wind, LLC

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

The proposed Project consists of an 111.5 MW wind facility which will include turbines and associated infrastructure in the form of access roads, collection lines, an operations and maintenance building, and laydown yard.

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

Existing land use of the project area is dominated by agriculture. The majority of land cover that is anticipated to be impacted by the project consists of cultivated land. Small portions of pasture may also be impacted by the proposed project.

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

Multiple perennial and intermittent streams including Springwater Creek, Beaver Creek, Little Beaver Creek, and Mud Creek cross through portions of the project. Impacts to streams within the project are not anticipated.

Does the project have the potential to affect any groundwater resources (e.g., groundwater appropriation, change in recharge, or contamination)?

It is not anticipated that the project will affect any groundwater resources.

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)?

To date, the project has not undergone a previous Natural Heritage review.

To your knowledge, have any native plant community or rare species surveys been conducted within the site? If so, please list: ECT conducted a preliminary windshield survey for habitats for rare species in the fall of 2019. This survey concluded that native communities such as prairies, wetlands, and forested habitats are limited within the project area.

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

None

#### INFORMATION WE PROVIDE TO YOU:

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

- Check here if you are interested in a list of rare features in the vicinity of the area of interest but you do **not** need a review of potential effects to rare features. Please list the reason a review is not needed:

2) Depending on the results of the query or review, the response may 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. The Index Report and Natural Heritage letter can be included in any public environmental review document.

3) A Detailed Report that contains more information on each occurrence may also be requested. 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).

- Check here if you would like to request a Detailed Report. Please note that if the results of the review are 'No Effects' or a standard comment, a Detailed Report may not be available.

#### 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.

I have read the entire form and instructions, and the information supplied above is complete and accurate. I understand that material supplied to me from the 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 DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Division of Ecological and Water 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, Endangered Species Review Coordinator  
Division of Ecological and Water Resources  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St. Paul, Minnesota 55155  
[Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

[Online version of the form](#)

Revised March 2, 2012

Additional Locational Information for the Walleye Wind Project Area

County	Township	Range	Sections
Rock	T103N	R47W	1, 11-14, 23-26, 35, 36
Rock	T103N	R46W	6, 7, 18, 19, 29-36

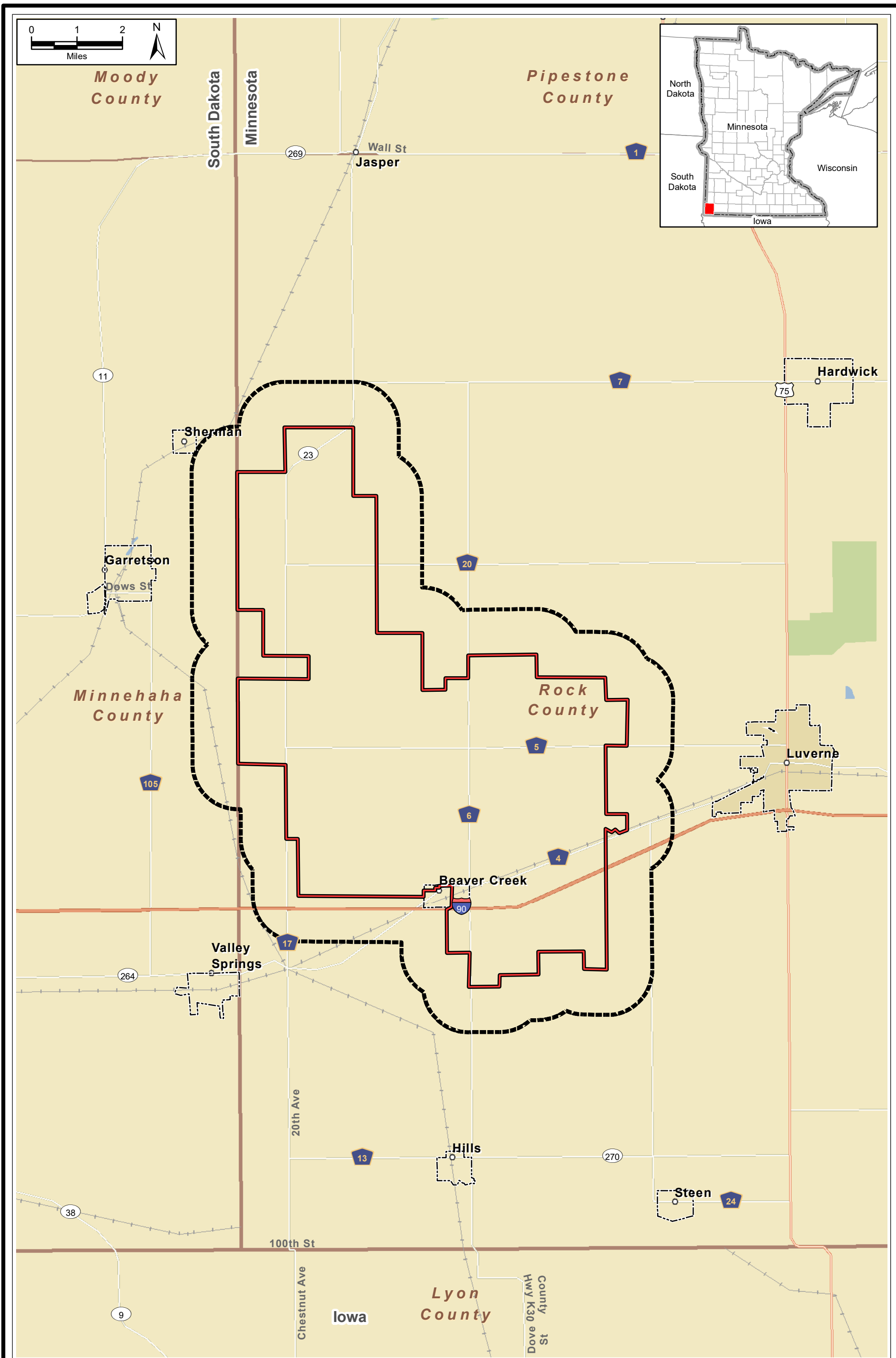





FIGURE 1.  
 SITE LOCATION MAP  
 WALLEYE WIND  
 WALLEYE WIND, LLC

Sources: ESRI StreetMap, 2018; ECT, 2020.

-  Project Boundary (± 36,291 Ac.)
-  1 Mile Buffer
-  City Boundary





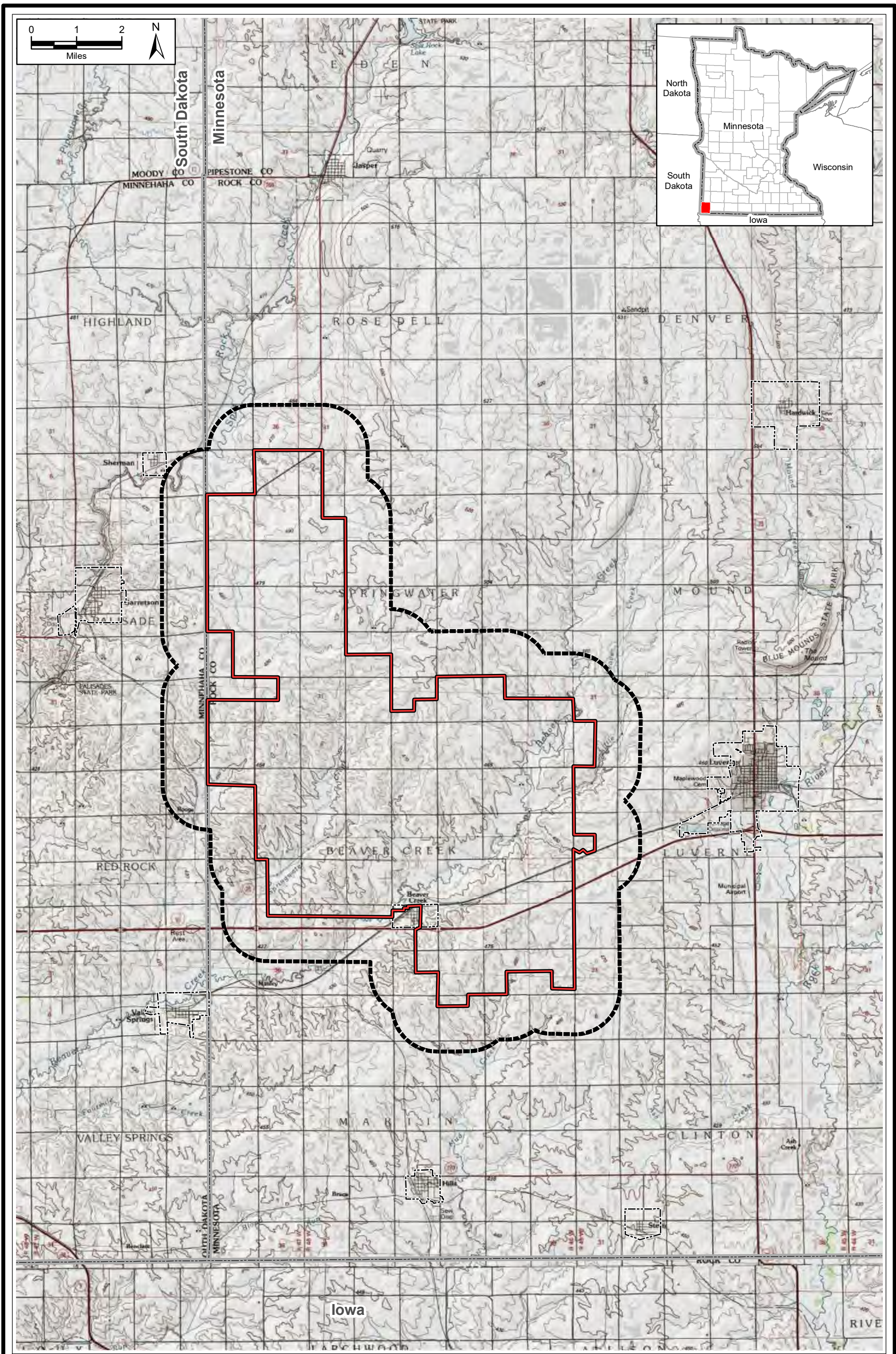





FIGURE 2.  
 TOPOGRAPHIC MAP  
 WALLEYE WIND  
 WALLEYE WIND, LLC

Sources: USGS; ECT, 2020.

-  Project Boundary (± 36,291 Ac.)
-  1 Mile Buffer
-  City Boundary





## Ruth Ann Sobnosky

---

**From:** Jessica Miller  
**Sent:** Wednesday, February 19, 2020 3:32 PM  
**To:** Ruth Ann Sobnosky; Alyssa Dietz-Oergel  
**Subject:** FW: Native Prairie Protection Plan

---

**From:** Jessica Miller  
**Sent:** Monday, February 17, 2020 10:29 AM  
**To:** Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>  
**Subject:** Native Prairie Protection Plan

Good Morning Lisa,

I was writing to follow up with a meeting we had two weeks ago concerning the Walleye Wind Project. Becky mentioned that you were working on a template for the Native Prairie Protection Plan and I was inquiring if that was complete yet? Thank you in advance for any information you can provide.

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



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M: 440.263.9568

[jmiller@ectinc.com](mailto:jmiller@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

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**From:** [Ruth Ann Sobnosky](#)  
**To:** [Joyal, Lisa \(DNR\)](#); [Warzecha, Cynthia \(DNR\)](#); [Horton, Becky \(DNR\)](#)  
**Cc:** [Phillips, Michelle](#); [Jessica Miller](#)  
**Subject:** Walleye Wind - MN NHIS Coordination Letter  
**Date:** Friday, February 28, 2020 4:26:00 PM  
**Attachments:** [Walleye\\_Boundary\\_20191230.zip](#)  
[image001.png](#)  
[WalleyeWindLLC\\_NHIScoordinationletter\\_20200228.pdf](#)

---

Lisa,

ECT is requesting on behalf of our client Walleye Wind Project, LLC (Walleye Wind), a finding regarding potential affects to threatened and endangered species (TES) for the proposed 111.5 MW Walleye Wind Project (Project) located in Rock County. The attached coordination letter provides a review of the NHIS occurrence records of TES and their habitat with the potential to occur within the Project area and the shapefiles of the Project area.

Please let us know if you have any questions during your review.

Thank you, Ruth Ann

Ruth Ann Sobnosky  
Program Manager – Planning & Permitting | Natural Resources



161 East Aurora Road | Northfield, Ohio 44067  
330-592-2587 (Mobile)  
[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)  
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**Complex Challenges Practical Solutions**



February 28, 2020

Lisa Joyal  
Endangered Species Review Coordinator  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St. Paul, Minnesota 55155

Transmitted via email: lisa.joyal@state.mn.us

RE: Walleye Wind Project  
Springwater, Beaver Creek, Luverne, and Martin Townships, Rock County, MN

Dear Ms. Joyal,

Environmental Consulting & Technology, Inc. (ECT), is requesting on behalf of our client Walleye Wind Project, LLC (Walleye Wind), a finding regarding potential affects to threatened and endangered species (TES) for the proposed 111.5 MW Walleye Wind Project (Project) located in an approximate 36,291-acre area within Springwater, Beaver Creek, Luverne, and Martin Townships in Rock County, Minnesota (see attached Site Location Map). Proposed Project facilities within the footprint of the Project area include turbines, collection lines, an operation and maintenance (O&M) building, a construction laydown yard, crane paths, gravel access roads, meteorological (MET) towers, and a transmission line connecting to an existing substation.

The Project is located within a largely rural area dominated by cultivated cropland and pastures. Development in the Project area is low-density and generally concentrated along rural roads and highways. Undeveloped, natural areas within the Project area, such as woodland, wetlands, and grasslands, are not dominant features in the landscape.

Under MNDNR license agreement LA-930, on January 8, 2020, ECT accessed the Minnesota Natural Heritage Information System (MN NHIS) rare features database to review element occurrence records of TES with the potential to occur within the Project area as well as a surrounding 1-mile buffer. The resulting list include the state-endangered burrowing owl (*Athene cunicularia*) and four (4) state species of special concern, short-eared owl (*Asio flammeus*), mudwort (*Limosella aquatica*), Topeka shiner (*Notropis topeka*), and lined snake (*Tropidoclonion lineatum*), as well as one (1) watch list species, western foxsnake (*Elaphe vulpine*) have the potential to occur within the vicinity of the Project.

**Burrowing Owl (state-endangered)**

The Project area was evaluated for suitable habitat for the burrowing owl through desktop review and site visits in November 2019. The site is predominately composed of agricultural lands with a few areas of grassland habitat along field edges as well as roadway and railroad rights-of-way (ROW). Given the highly limited occurrence of undisturbed grasslands within the Project area, it is unlikely that the burrowing owl would occur within the Project. Additionally, Walleye Wind has designed Project facilities in areas of previous disturbance, such as agricultural fields, and to avoid areas of native plant communities.



Lisa Joyal  
Endangered Species Review Coordinator  
Minnesota Department of Natural Resources  
February 28, 2020  
Page 2

**Topeka shiner (state species special concern and federally-endangered, critical habitat)**

Streams within the Project area designed by U.S. Fish & Wildlife Services (USFWS) as critical habitat for the Topeka shiner include Beaver Creek, Little Beaver Creek, Spring Water Creek, and their associated tributaries. The MN NHIS rare features database also noted element occurrence records of this species within the Project area. Although Topeka shiner has the potential to occur within the Project, Walleye Wind has sited facility infrastructure such as turbine pads and access roads to avoid crossing streams that have designated critical habitat and known occurrences of the Topeka shiner. Additionally, collection lines will be bored underneath stream systems designated as critical habitat or with occurrences to avoid direct impacts to Topeka shiner. If crane walks are to occur close to or within waterways that are designated critical habitat or may have Topeka shiner occurrences, Walleye Wind will employ Best Management Practices (BMPs), where practicable, to ensure that impacts to any potential Topeka shiner populations are minimized. Impacts resulting from crane walks and collection line installation would be temporary and stream banks/beds would be restored to pre-crossing conditions.

**Species of Special Concern and Watch List**

Walleye Wind has sited the project area to avoid natural areas (e.g., wetlands, forests, and riparian areas) that special concern species, such as mudwort, may use to the greatest extent practicable. Furthermore, Walleye Wind also plans to prepare a *Native Prairie Protection Plan* to minimize impacts to grasslands within the Project Area. Avoidance of prairie habitat within the Project area reduces the likelihood of impacts to special concern species such as short-eared owl and lined snake that utilize this type of habitat.

Although it is ECT's opinion that it is unlikely that the referenced TES occur within the Walleye Wind Project site, we appreciate feedback on the known occurrence of sensitive species and habitats and other potential environmental concerns with regards to the proposed Project. If there are known occurrences, please provide recommendations to either avoid impacts or to protect the species.

If you have any questions or need additional information, please contact me at (216) 378-7834 or [rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com).

**ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.**



Ruth Ann Sobnosky  
Program Manager - Planning & Permitting  
Natural Resources

**Enclosures :** Attachment A: Site Location Map

**Attachment A :**  
**Site Location Map**

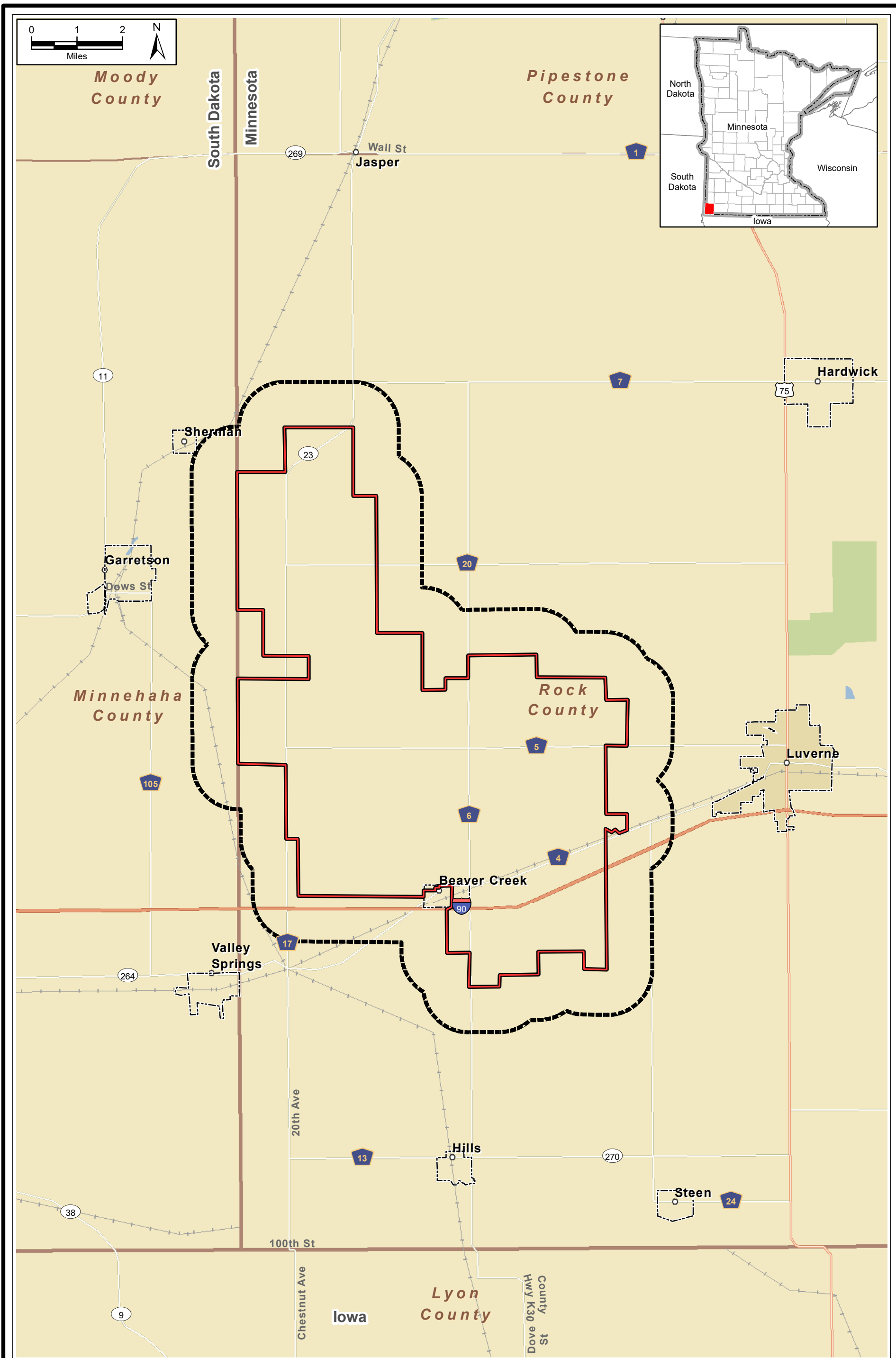





FIGURE 1.  
 SITE LOCATION MAP  
 WALLEYE WIND  
 WALLEYE WIND, LLC

Sources: ESRI StreetMap, 2018; ECT, 2020.

-  Project Boundary (± 36,291 Ac.)
-  1 Mile Buffer
-  City Boundary





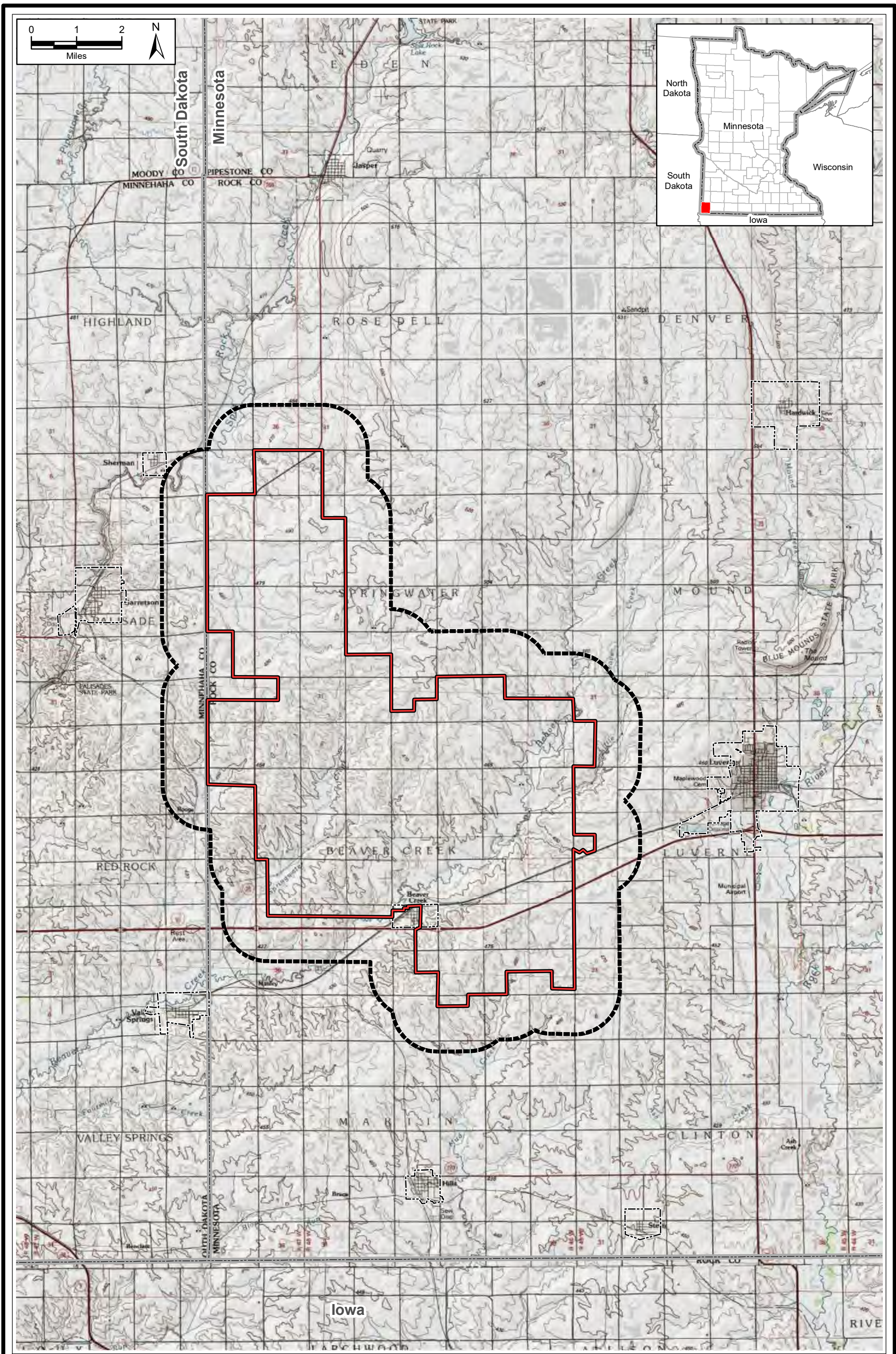





FIGURE 2.  
 TOPOGRAPHIC MAP  
 WALLEYE WIND  
 WALLEYE WIND, LLC

Sources: USGS; ECT, 2020.

-  Project Boundary (± 36,291 Ac.)
-  1 Mile Buffer
-  City Boundary





## Ruth Ann Sobnosky

---

**From:** Marsh, Dawn S <dawn\_marsh@fws.gov>  
**Sent:** Friday, February 28, 2020 9:48 AM  
**To:** Ruth Ann Sobnosky  
**Cc:** Jessica Miller; Marquardt, Shauna R  
**Subject:** Re: Walleye Wind LLC - USFWS Coordination  
**Attachments:** Topeka\_Shiner\_CH\_Walleye\_Wind2\_26\_2020.pdf

Dear Ms. Sobnosky,

Thank you for the opportunity to comment on the proposed Walleye Wind (LLC) site location and project in Rock County, Minnesota. The U.S. Fish and Wildlife Service (Service) provides comments on the proposed location described within your letter dated February 7, 2020. Because the proposed project could impact federal trust resources, we are providing the following comments pursuant to the Endangered Species Act (ESA), Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act to help inform project planning and development.

In general, the Service recommends Walleye Wind follow both the [Final Land-Based Wind Energy Guidelines](#) as well as the ([Eagle Conservation Plan Guidance](#) (ECP) to minimize impacts to migratory birds, eagles, and federally listed species. The Service recommends you also follow these guidelines for post-construction mortality monitoring and any necessary adaptive management.

The Service provides the following specific comments for species that could occur in the proposed project area.

### Impacts to Listed Species

#### **Topeka Shiner** (*Notropis topeka*, Endangered)

Critical habitat for Topeka shiner occurs within the proposed project boundary. The Service encourages Walleye Wind to avoid impacts to the streams designated as critical habitat within the proposed project area (please see attached map). If this is not possible, we encourage Walleye Wind to follow the Service's Recommendations for [Projects Affecting Waters Inhabited by Topeka Shiners \(\*Notropis topeka\*\) in Minnesota](#) for all proposed construction activities in and around streams designated as critical habitat.

#### **Northern Long-eared Bat** (*Myotis septentrionalis*, Threatened)

The Northern long-eared bat (NLEB) has the potential to occur in Rock County, and may occur within the proposed project boundary. The Service currently does not have any documented records of NLEB within the vicinity of the project, and there are no known records of hibernaculum within Rock County or any of the adjacent counties in Minnesota. Suitable habitat exists for NLEB within the project area and the Service recommends a 1,000-foot setback from wooded areas where NLEB may be foraging. This minimization measure will also benefit other bat species. Currently the NLEB is covered under the Final 4(d) rule, which states that take of NLEB by wind facilities is not prohibited. Should the status of the NLEB change, we recommend further coordination with the Service to understand implications these changes might have on project operations.

#### **Red Knot** (*Calidris canutus rufa*, Threatened)

Red knots do not breed within Minnesota and have a short migratory season within the region. The likelihood of the species using the proposed project area as stopover habitat during migration is highly unlikely. As a result, we not expect the proposed project to have a negative impact on the red knot.

**Dakota Skipper** (*Hesperia dacotae*, Threatened)

Dakota Skipper has the potential to occur within Rock County. However, there are no known records of this species and no designated Critical Habitat within the proposed project boundary. The Service recommends any revegetation work post-construction include the use of native and pollinator-friendly plants.

**Listed Plant Species**

Both prairie bush clover (*Lespedeza leptostachya*, Threatened) and western prairie fringed orchid (*Platanthera praeclara*, Threatened) have the potential to occur within Rock County. The proposed project area consists primarily of disturbed agricultural fields and suitable prairie habitat for both species is limited to small, linear remnant patches. Prairie bush clover has not been observed in Rock County and there are no known occurrences of western prairie fringed within the project area. The limited suitable habitat makes it highly unlikely that either species occurs within the proposed project area.

Impacts to 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.

*Birds of Conservation Concern*

The Service’s [Information for Planning and Consultation](#) (IPaC) has identified the following migratory birds of conservation concern within the proposed project boundary. You can find information on ways to minimize impacts on the Service’s [Birds of Conservation Concern](#) website.

- Black Tern (*Chlidonias niger*)
- Black-billed Cuckoo (*Coccyzus erythrophthalmus*)
- Bobolink (*Dolichonyx oryzivorus*)
- Franklin's Gull (*Leucophaeus pipixcan*)
- Henslow’s Sparrow (*Ammodramus henslowii*)
- Hudsonian Godwit (*Limosa haemastica*)
- Lesser Yellowlegs (*Tringa flavipes*)
- Marbled Godwit (*Limosa fedoa*)
- Nelson's Sparrow (*Ammodramus nelson*)
- Red-headed Woodpecker (*Melanerpes erythrocephalus*)
- Rusty Blackbird (*Euphagus carolinus*)
- Semipalmated Sandpiper (*Calidris pusilla*)
- Wood Thrush (*Hylocichla mustelina*)

*Lighting and Tower Design*

The Service recommends any necessary lights on buildings, turbines or meteorological (met) towers are compliant with the 2016 Federal Aviation Administration (FAA) guidance on tower lighting. These measures



have been shown to reduce migratory bird collision by as much as 70%. More information about this guidance can be found:

[FAA Acts to Reduce Bird Fatalities](#)

[Communication Towers and Bird Collisions](#)

[FAA Obstruction Marking and Lighting Standards](#)

[Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs](#)

### Impacts to Eagles

Although bald and golden eagles were delisted from the Endangered Species Act on August 8, 2007, they are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act). The nearest known bald eagle nest is located approximately 6.5 miles from the wind resource area buffer. There are no known nests within the proposed project boundary; however, records in southwestern Minnesota are lacking. The Service encourages Walleye Wind to conduct a nest survey within a 10-mile buffer of the project site. If the project proponent wishes to apply for an eagle take permit, pre-construction surveys will need to comply with the data collection requirements under the [2016 Eagle Incidental Take Permit Regulations](#).

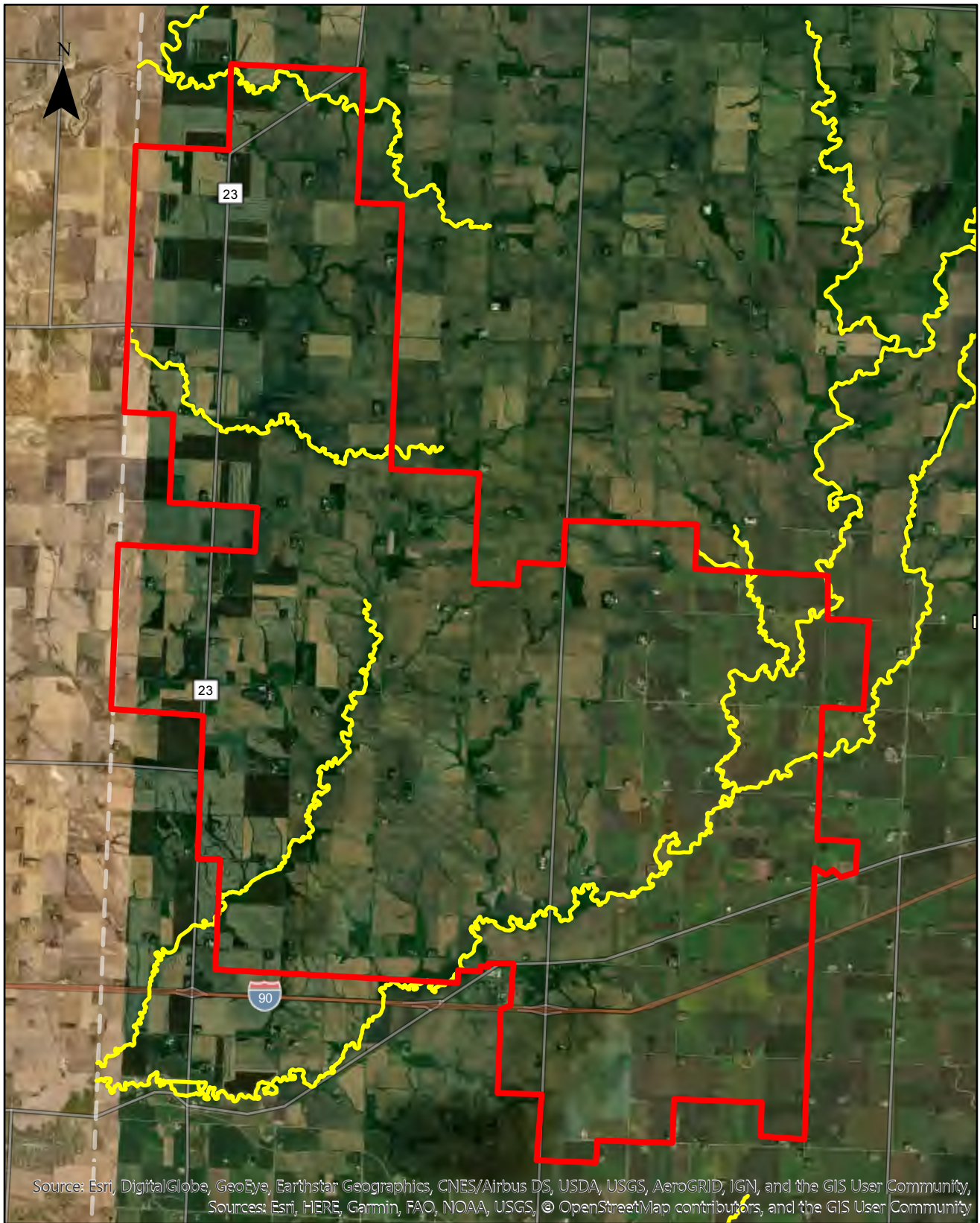
Thank you for the opportunity to comment on the proposed Walleye Wind project. Should you have any questions or concerns, or if the status of any species that may be present in the project area changes, please do not hesitate to contact me.

Dawn

Dawn Marsh (she/her/hers) | [Fish and Wildlife Biologist](#)

U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office  
4101 American Blvd. E., Bloomington, MN 55425  
Tel: (952) 252-0092 x 202

# Topeka Shiner Final Critical Habitat Rock County, Minnesota



0 0.5 1 2 3 4 Miles

— Walleye\_Boundary\_20191230

— Topeka\_Shiner\_Final\_Critical\_Habitat

## Ruth Ann Sobnosky

---

**From:** Jessica Miller  
**Sent:** Wednesday, April 22, 2020 2:43 PM  
**To:** Warzecha, Cynthia (DNR); Marquardt, Shauna R; Marsh, Dawn S; Horton, Becky (DNR); Joyal, Lisa (DNR); Boettcher, Joanne (DNR)  
**Cc:** Ruth Ann Sobnosky; Phillips, Michelle  
**Subject:** Walleye Wind - Bat Acoustic Studies  
**Attachments:** Walleye\_AcousticMemo\_Final\_20200422.pdf; FINAL\_Walleye\_2016BatAcousticSurveyReport.pdf; Walleye\_2018BatActivityFinalReport.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Shauna, Dawn, Cynthia, Becky, Joanne, and Lisa,

Following up from our call on April 15, attached please find the previous studies completed for the Walleye Wind project.

WEST Inc. completed the previous acoustic monitoring studies in 2016 and 2018. Below is a summary of the findings to date:

The northern long-eared bat has limited potential to occur in the Project area and 1-mile buffer due to the lack of suitable habitat. Northern long-eared bats roost within forest systems, often associated within riparian areas. Forest cover is scarce in the Project and surrounding area (approximately 440 acres within the Project area) and is present mostly as small isolated woodlots which are each less than 10 acres in size.

General acoustic bat surveys were conducted by WEST in the spring, summer, and fall of 2016 where the study area overlapped the current Project area and some stations were present within the current Project area. These stations were located in cropland habitat, representing potential turbine locations, and forest edge habitat containing features attractive to bats. Approximately 77% of bat passes were classified by WEST as low-frequency, which potentially includes species such as big brown bats, hoary bats, or silver-haired bats. However, only 23% of the bat passes were identified as high frequency, which potentially includes species such as the eastern red bat, little brown bat, or the northern long-eared bat. WEST's bat biologists manually vetted the high-frequency passes and determined that no northern long-eared bat calls were identified during the 2016 survey (Bishop-Boros, Solick, and Kreger 2017).

Additional acoustic bat surveys completed June-October, 2018, where study areas overlapped the current Project area and stations were set very close to the current Project area boundary, indicated peak bat activity during the summer during mid-July, with 66% of the bat passes identified as low frequency and 34% of bat passes identified as high frequency (Kreger et al. 2019). Kaleidoscope Pro 5.1.0 identified one potential NLEB call during the entire study period. Dr. Kevin Murray qualitatively reviewed this call and identified it as a HF unknown. The call was a feeding buzz most likely emitted by an eastern red bat or evening bat and had no diagnostic features of a standard NLEB call. All the call files from the night of August 25, 2018, when the potential NLEB call was recorded, were also reviewed by Dr. Murray and no additional NLEB calls were observed. Therefore, no acoustic evidence of NLEB was observed during the 2018 surveys in the study area.

The absence of large tracts of high-quality woodlands and or/floodplain forests within the Project area limit the likelihood of northern long-eared bat occurring within the Project area and acoustic surveys suggest that the occurrence of northern-long eared bat is rare within the region of the Project. It is unlikely that northern long-eared bat occurs within the Project area.

Please review the attached reports and memo and let us know if you have any questions. Thank you for your review. We know you all are very busy and it is appreciated!

**I am working remotely, please text or call my cell phone for immediate assistance 440-263-9568.**

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



161 E. Aurora Road | Northfield, Ohio 44067

O: 216.518.2807

M: 440.263.9568

[jmiller@ectinc.com](mailto:jmiller@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

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## Ruth Ann Sobnosky

---

**From:** Marsh, Dawn S <dawn\_marsh@fws.gov>  
**Sent:** Friday, April 24, 2020 1:34 PM  
**To:** Jessica Miller; Phillips, Michelle; Ruth Ann Sobnosky  
**Cc:** Marquardt, Shauna R; Boettcher, Joanne (DNR); Horton, Becky (DNR); Warzecha, Cynthia (DNR); Joyal, Lisa (DNR)  
**Subject:** Re: [EXTERNAL] Walleye Wind - Bat Acoustic Studies

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jessica,

Thank you for sharing the 2016 and 2018 bat acoustic studies for the Walleye Wind Project.

Are there plans to site turbines in the area within the project boundary where no surveys (acoustic or other method) have been conducted? The un-surveyed area may be a high potential area for bats because of Beaver Creek. If turbines are planned for the un-surveyed area, have additional survey and monitoring efforts been considered?

Thank you,  
Dawn

---

Dawn Marsh (she/her/hers) | [Fish and Wildlife Biologist](#)  
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office  
4101 American Blvd. E., Bloomington, MN 55425  
Tel: (952) 252-0092 x 202

---

**From:** Jessica Miller <jmiller@ectinc.com>  
**Sent:** Wednesday, April 22, 2020 1:43 PM  
**To:** Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Marquardt, Shauna R <Shauna\_Marquardt@fws.gov>; Marsh, Dawn S <dawn\_marsh@fws.gov>; Horton, Becky (DNR) <becky.horton@state.mn.us>; Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>  
**Cc:** Ruth Ann Sobnosky <rsobnosky@ectinc.com>; Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>  
**Subject:** [EXTERNAL] Walleye Wind - Bat Acoustic Studies

Shauna, Dawn, Cynthia, Becky, Joanne, and Lisa,

Following up from our call on April 15, attached please find the previous studies completed for the Walleye Wind project.

WEST Inc. completed the previous acoustic monitoring studies in 2016 and 2018. Below is a summary of the findings to date:

The northern long-eared bat has limited potential to occur in the Project area and 1-mile buffer due to the lack of suitable habitat. Northern long-eared bats roost within forest systems, often associated within riparian areas. Forest cover is scarce in the Project and surrounding area (approximately 440 acres within the Project area) and is present mostly as small isolated woodlots which are each less than 10 acres in size.



General acoustic bat surveys were conducted by WEST in the spring, summer, and fall of 2016 where the study area overlapped the current Project area and some stations were present within the current Project area. These stations were located in cropland habitat, representing potential turbine locations, and forest edge habitat containing features attractive to bats. Approximately 77% of bat passes were classified by WEST as low-frequency, which potentially includes species such as big brown bats, hoary bats, or silver-haired bats. However, only 23% of the bat passes were identified as high frequency, which potentially includes species such as the eastern red bat, little brown bat, or the northern long-eared bat. WEST's bat biologists manually vetted the high-frequency passes and determined that no northern long-eared bat calls were identified during the 2016 survey (Bishop-Boros, Solick, and Kreger 2017).

Additional acoustic bat surveys completed June-October, 2018, where study areas overlapped the current Project area and stations were set very close to the current Project area boundary, indicated peak bat activity during the summer during mid-July, with 66% of the bat passes identified as low frequency and 34% of bat passes identified as high frequency (Kreger et al. 2019). Kaleidoscope Pro 5.1.0 identified one potential NLEB call during the entire study period. Dr. Kevin Murray qualitatively reviewed this call and identified it as a HF unknown. The call was a feeding buzz most likely emitted by an eastern red bat or evening bat and had no diagnostic features of a standard NLEB call. All the call files from the night of August 25, 2018, when the potential NLEB call was recorded, were also reviewed by Dr. Murray and no additional NLEB calls were observed. Therefore, no acoustic evidence of NLEB was observed during the 2018 surveys in the study area.

The absence of large tracts of high-quality woodlands and or/floodplain forests within the Project area limit the likelihood of northern long-eared bat occurring within the Project area and acoustic surveys suggest that the occurrence of northern-long eared bat is rare within the region of the Project. It is unlikely that northern long-eared bat occurs within the Project area.

Please review the attached reports and memo and let us know if you have any questions. Thank you for your review. We know you all are very busy and it is appreciated!

**I am working remotely, please text or call my cell phone for immediate assistance 440-263-9568.**

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



161 E. Aurora Road | Northfield, Ohio 44067

O: 216.518.2807

M: 440.263.9568

[jmiller@ectinc.com](mailto:jmiller@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

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## Ruth Ann Sobnosky

---

**From:** Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>  
**Sent:** Tuesday, April 28, 2020 5:14 PM  
**To:** Jessica Miller; Marquardt, Shauna R; Marsh, Dawn S; Horton, Becky (DNR); Joyal, Lisa (DNR); Boettcher, Joanne (DNR)  
**Cc:** Ruth Ann Sobnosky; Phillips, Michelle  
**Subject:** RE: Walleye Wind - Bat Acoustic Studies

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jessica,

Thank you for providing the previous acoustic monitoring studies (2016 and 2018) for the Walleye Wind project. While the DNR is not recommending additional acoustic studies, we do have concerns about potential bat habitat within the project area. Specifically, the various streams (including Beaver Creek) that may attract bats. Therefore, our agency considers the site to be of moderate risk. This risk level is subject to change depending on the final turbine locations. As with all wind projects, the DNR recommends including alternate turbine locations to allow for siting flexibility.

Although the acoustic bat studies state that it is unlikely that northern long-eared bat occurs within the project area, please be aware that the DNR has concerns for all bats. In fact, four bat species are listed as species of special concern (big brown bat, little brown myotis, tri-colored bat, and northern long-eared bat) in Minnesota.

Our agency looks forward to continued coordination on the Walleye Wind project.

Best regards,

Cynthia

---

**From:** Jessica Miller <jmiller@ectinc.com>  
**Sent:** Wednesday, April 22, 2020 1:43 PM  
**To:** Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Marquardt, Shauna R <Shauna\_Marquardt@fws.gov>; Marsh, Dawn S <dawn\_marsh@fws.gov>; Horton, Becky (DNR) <becky.horton@state.mn.us>; Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>  
**Cc:** Ruth Ann Sobnosky <rsobnosky@ectinc.com>; Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>  
**Subject:** Walleye Wind - Bat Acoustic Studies

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Shauna, Dawn, Cynthia, Becky, Joanne, and Lisa,

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Please review the attached reports and memo and let us know if you have any questions. Thank you for your review. We know you all are very busy and it is appreciated!

**I am working remotely, please text or call my cell phone for immediate assistance 440-263-9568.**

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



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## Ruth Ann Sobnosky

---

**From:** Jessica Miller  
**Sent:** Wednesday, May 27, 2020 4:02 PM  
**To:** Marsh, Dawn S; Warzecha, Cynthia (DNR)  
**Cc:** Marquardt, Shauna R; Joyal, Lisa (DNR); Horton, Becky (DNR); Boettcher, Joanne (DNR); Christina Martens; Ruth Ann Sobnosky; Phillips, Michelle  
**Subject:** Walleye Wind Bat Survey Areas  
**Attachments:** Walleye\_ForestedAreas\_Unsurveyed\_20200522.pdf; Walleye\_ForestedAreas\_20200522.pdf

Good Afternoon Dawn and Cynthia,

Thank you for your feedback so far. I would like to offer a few points of clarification. Acoustic surveys tend to give a good picture of bat use within a broader regional context in similar habitat. Even though the acoustic survey areas do not necessarily overlap with the current project area in the eastern region, we believe that the previous study in 2016 provides detailed information concerning bat activity in that area. There are two acoustic monitors from the 2016 study that were located within close proximity to the northern portion of that area and any turbines that will be sited in that area. Concerning available habitat around Beaver Creek, riparian habitat is fragmented and present in small amounts. Much of the forested area within this unsurveyed area is associated with farmsteads and are isolated windbreaks. There is better riparian connectivity and suitable habitat located about 5.7 miles to the northeast of the project boundary, east of Luverne, MN, along the Rock River system. In between that feature and the project boundary there is a lack of forested riparian habitat, restricting bat movement between the project area and this riparian corridor system.

Additionally, within the area that does not have previous acoustic bat study overlap, only two (2) turbines are sited closer than 1,000 feet from isolated riparian areas along Beaver Creek. Turbine 40 is located 920 feet from 0.54 acres and Turbine 11 is located 816 feet from 1.48 acres. Within the unsurveyed area as a whole, only four (4) turbines are within 1,000 feet (816-969 feet away) of four (4) isolated forested areas (ranging in size from 0.54-2.29 acres). Significant changes to the array have made that removes some of the turbines previously located around Beaver Creek.

The two years previous of acoustic studies, along with the multiple PCMM surveys and pre-construction surveys from wind farms within the same region which have not documented northern long-eared bats in this area, it is my opinion that additional surveys within this specific eastern area would not provide any different results from what other studies have provided.

Due to the lack of forested riparian areas within the unsurveyed portion of the project, lack of forested area within the project as a whole, and the proximity of turbines to these areas, we ask that the agencies consider this project a low risk to bats. In addition, to further mitigate potential risk, the client will adhere to tree cutting restrictions within this unsurveyed area of June 1 to July 31 to avoid pup season.

However, if USFWS and MNDNR have a different opinion based on the information presented above, please inform us, and NextEra would be open to discuss further. Thank you for your consideration of this project.

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



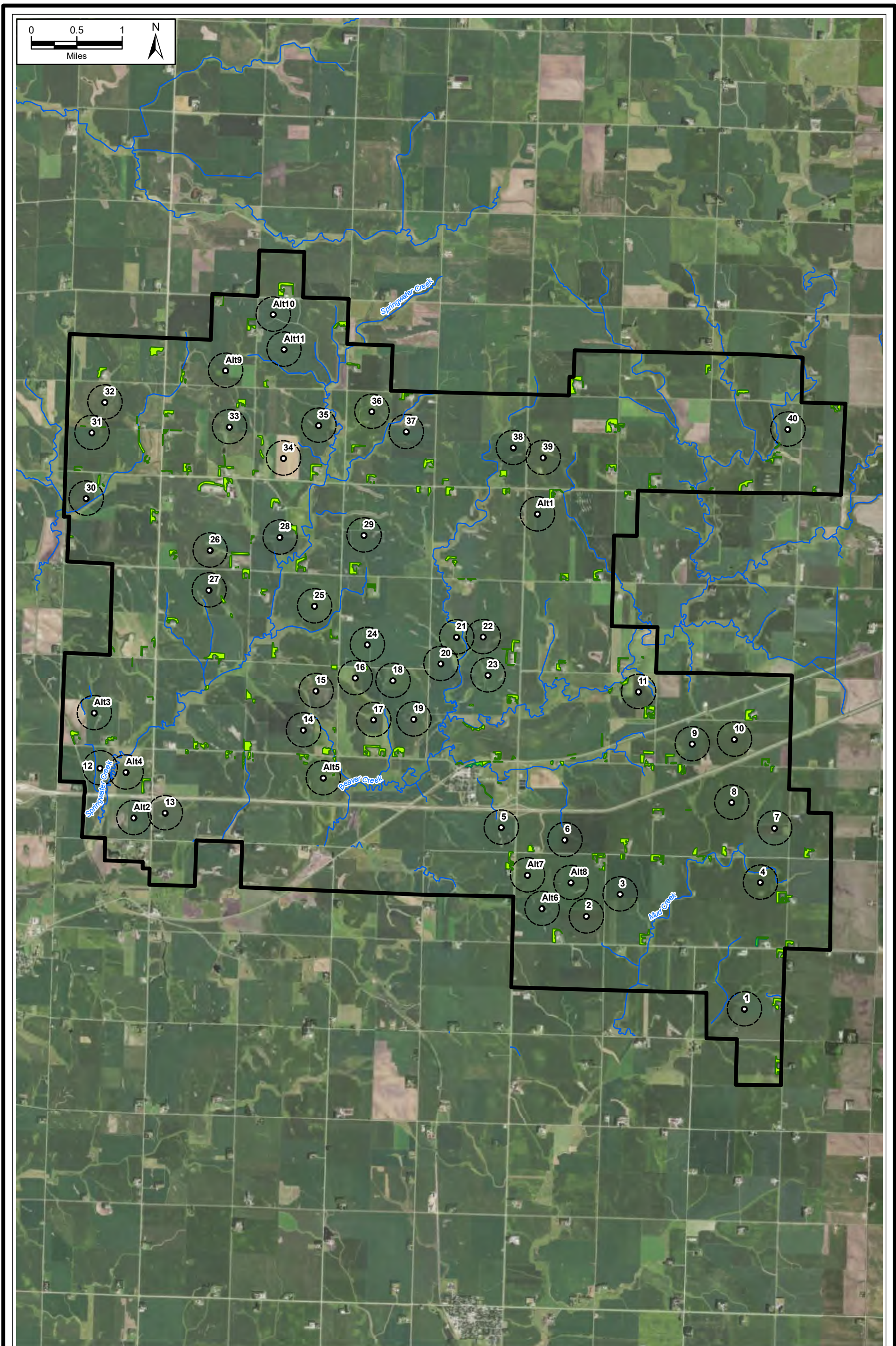


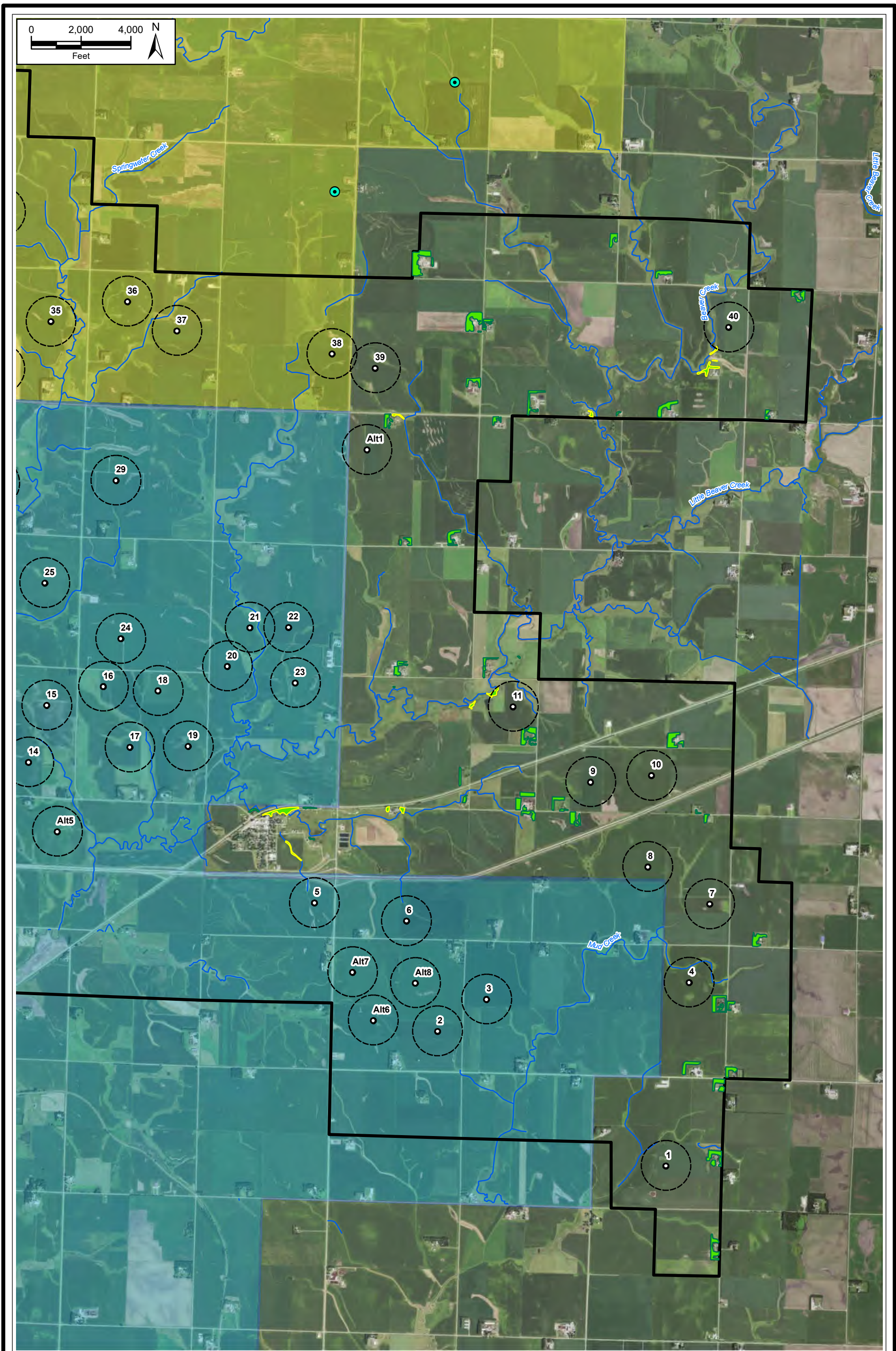
FIGURE 1.  
 FORESTED AREAS  
 WALLEYE WIND PROJECT  
 WALLEYE WIND PROJECT, LLC  
 ROCK COUNTY, MINNESOTA

Sources: ECT, 2020.

- Proposed Turbine (05/18/2020)
- ▭ Project Boundary (±31,078 Ac.)
- ▭ Forested Areas (± 358 Ac)
- Desktop Streams







**FIGURE 2.**  
**UNSURVEYED FORESTED AREAS**  
**WALLEYE WIND PROJECT**  
**WALLEYE WIND PROJECT, LLC**  
**ROCK COUNTY, MINNESOTA**  
 Sources: ECT, 2020.

- |                                     |                            |
|-------------------------------------|----------------------------|
| ● Proposed Turbine (05/18/2020)     | — Desktop Streams          |
| ▭ Project Boundary (±31,078 Ac.)    | ▭ 2016 Bat Acoustic Survey |
| ▭ Riparian Forested Areas (± 13 Ac) | ▭ 2018 Bat Acoustic Survey |
| ▭ Forested Areas (± 129.6 Ac)       | ● 2016 Acoustic Monitors   |





**From:** [Ruth Ann Sobnosky](#)  
**To:** [Joyal, Lisa \(DNR\)](#); [Warzecha, Cynthia \(DNR\)](#); [Horton, Becky \(DNR\)](#)  
**Cc:** [Phillips, Michelle](#); [Jessica Miller](#)  
**Subject:** RE: Walleye Wind - MN NHIS Coordination Letter  
**Date:** Thursday, June 4, 2020 1:46:00 PM  
**Attachments:** [image001.png](#)  
[1852878\\_WalleyeBoundary\\_2020-06-03.zip](#)

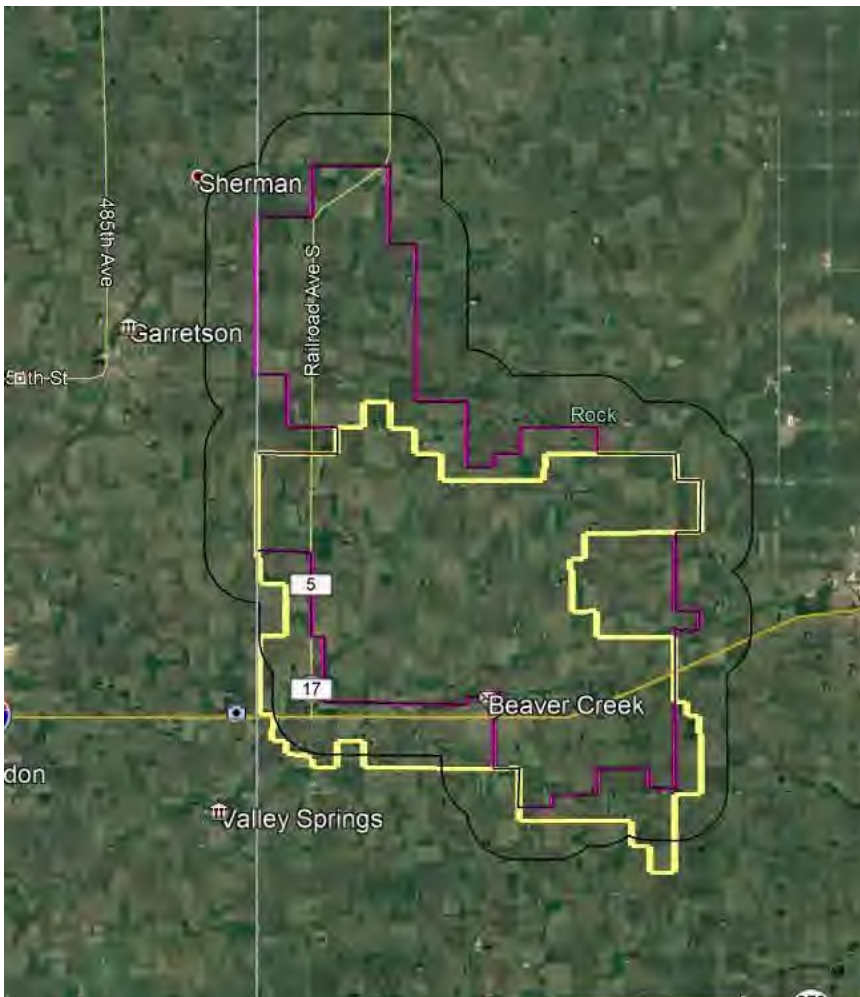
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Lisa,

Please see the attached revised project boundary shapefiles. The revised boundary has decreased in size and is approximately 31,095 acres, and is primarily contained within the original proposed project boundary and 1-mile buffer, as shown below. The current boundary is shown in yellow and the original proposed boundary is shown in purple, with its 1-mile buffer in black.

We are assuming that MNDNR concurs with our findings stated in our February 28, 2020 email, since we have not received a response to date. Please let us know as soon as possible if you do not concur with that approach as we are proceeding with the filing of the PUC Final Application.

Thank you, Ruth Ann



*I am working remotely, please text or call my cell phone for immediate assistance 330-592-2587.*

Ruth Ann Sobnosky  
Program Manager – Planning & Permitting | Natural Resources  
**Environmental Consulting & Technology, Inc.**  
330-592-2587 (Mobile)  
[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

---

**From:** Ruth Ann Sobnosky  
**Sent:** Friday, February 28, 2020 4:26 PM  
**To:** Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>; Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Horton, Becky (DNR) <becky.horton@state.mn.us>  
**Cc:** Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>; Jessica Miller <jmiller@ectinc.com>  
**Subject:** Walleye Wind - MN NHIS Coordination Letter

Lisa,

ECT is requesting on behalf of our client Walleye Wind Project, LLC (Walleye Wind), a finding regarding potential affects to threatened and endangered species (TES) for the proposed 111.5 MW Walleye Wind Project (Project) located in Rock County. The attached coordination letter provides a review of the NHIS occurrence records of TES and their habitat with the potential to occur within the Project area and the shapefiles of the Project area.

Please let us know if you have any questions during your review.

Thank you, Ruth Ann

Ruth Ann Sobnosky  
Program Manager – Planning & Permitting | Natural Resources



161 East Aurora Road | Northfield, Ohio 44067  
330-592-2587 (Mobile)  
[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)  
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**Complex Challenges Practical Solutions**

## Ruth Ann Sobnosky

**From:** Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>  
**Sent:** Thursday, June 4, 2020 5:47 PM  
**To:** Jessica Miller; Marsh, Dawn S  
**Cc:** Marquardt, Shauna R; Joyal, Lisa (DNR); Horton, Becky (DNR); Boettcher, Joanne (DNR); Christina Martens; Ruth Ann Sobnosky; Phillips, Michelle  
**Subject:** RE: Walleye Wind Bat Survey Areas

Hi Jessica,

Thank you for providing additional information about the bat acoustic surveys and the project area landscape. As previously stated, the Minnesota Department of Natural Resources (DNR) is not recommending additional bat acoustic surveys. The data collected thus far is sufficient.

We would like to reiterate that we have concerns for all bat species present in Minnesota. Of the eight bat species present in this state, four are species of special concern. A species is considered a species of special concern if, although the species is not endangered or threatened, it is extremely uncommon in Minnesota, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. The big brown bat (a low-frequency species) is a species of special concern. Based on the acoustic data, of the total bat passes recorded at all stations, 66% were classified as low-frequency (e.g., big brown bats, hoary bats, and silver-haired bats). Additionally, low-frequency bats were most commonly recorded at the raised representative station (93%).

**Table 1. Results of bat activity surveys conducted at stations within the Walleye Wind study area, Minnesota, from June 28 – October 29, 2018. Passes are separated by call frequency: high and low frequency (LF).**

Anabat Station	Location	Type	Number of HF Bat Passes	Number of LF Bat Passes	Total Bat Passes	Detector Nights
WA1g	Ground	Representative	74	423	497	121
WA2g	Ground	Bat Feature	5,435	8,145	13,581	117
WA3g	Ground	Representative	241	1,489	1,730	101
WA3r	Raised	Representative	94	1,311	1,405	101
<b>Total Representative Ground (%)</b>			<b>315 (14%)</b>	<b>1,912 (86%)</b>	<b>2,227</b>	<b>222</b>
<b>Total Representative Raised (%)</b>			<b>94 (7%)</b>	<b>1,311 (93%)</b>	<b>1,405</b>	<b>101</b>
<b>Total Representative Stations (%)</b>			<b>409 (11%)</b>	<b>3,223 (89%)</b>	<b>3,632</b>	<b>323</b>
<b>Total Bat Feature Stations (%)</b>			<b>5,435 (40%)</b>	<b>8,145 (60%)</b>	<b>13,581</b>	<b>117</b>
<b>Total (%)</b>			<b>5,844 (34%)</b>	<b>11,368 (66%)</b>	<b>17,213 (100%)</b>	<b>440</b>

<sup>a</sup> ± bootstrapped standard error

Currently, the DNR considers the project area to be of moderate risk. Further discussion of the risk level is appropriate as the Avian and Bat Protection Plan and associated post-construction fatality monitoring protocols are developed. Note that the monitoring protocols for low and moderate risk sites are nearly identical – both recommend one year of post-construction fatality monitoring. Moderate risk sites recommend a minimum of two search days per week whereas low risk sites recommend a minimum of one search day per week.



Our agency looks forward to continued coordination as the Walleye Wind project moves forward.

Cynthia

**Cynthia Warzecha**

Energy Projects Planner

**Minnesota Department of Natural Resources**

500 Lafayette Road

St. Paul, MN 55155

Phone: 651-259-5078

Email: [cynthia.warzecha@state.mn.us](mailto:cynthia.warzecha@state.mn.us)



---

**From:** Jessica Miller <jmiller@ectinc.com>

**Sent:** Wednesday, May 27, 2020 3:02 PM

**To:** Marsh, Dawn S <dawn\_marsh@fws.gov>; Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>

**Cc:** Marquardt, Shauna R <Shauna\_Marquardt@fws.gov>; Joyal, Lisa (DNR) <lisa.joyal@state.mn.us>; Horton, Becky (DNR) <becky.horton@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>; Christina Martens <cmartens@ectinc.com>; Ruth Ann Sobnosky <rsobnosky@ectinc.com>; Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>

**Subject:** Walleye Wind Bat Survey Areas

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Good Afternoon Dawn and Cynthia,

Thank you for your feedback so far. I would like to offer a few points of clarification. Acoustic surveys tend to give a good picture of bat use within a broader regional context in similar habitat. Even though the acoustic survey areas do not necessarily overlap with the current project area in the eastern region, we believe that the previous study in 2016 provides detailed information concerning bat activity in that area. There are two acoustic monitors from the 2016 study that were located within close proximity to the northern portion of that area and any turbines that will be sited in that area. Concerning available habitat around Beaver Creek, riparian habitat is fragmented and present in small amounts. Much of the forested area within this unsurveyed area is associated with farmsteads and are isolated windbreaks. There is better riparian connectivity and suitable habitat located about 5.7 miles to the northeast of the project boundary, east of Luverne, MN, along the Rock River system. In between that feature and the project boundary there is a lack of forested riparian habitat, restricting bat movement between the project area and this riparian corridor system.

Additionally, within the area that does not have previous acoustic bat study overlap, only two (2) turbines are sited closer than 1,000 feet from isolated riparian areas along Beaver Creek. Turbine 40 is located 920 feet from 0.54 acres and Turbine 11 is located 816 feet from 1.48 acres. Within the unsurveyed area as a whole, only four (4) turbines are within 1,000 feet (816-969 feet away) of four (4) isolated forested areas (ranging in size from 0.54-2.29

acres). Significant changes to the array have made that removes some of the turbines previously located around Beaver Creek.

The two years previous of acoustic studies, along with the multiple PCMM surveys and pre-construction surveys from wind farms within the same region which have not documented northern long-eared bats in this area, it is my opinion that additional surveys within this specific eastern area would not provide any different results from what other studies have provided.

Due to the lack of forested riparian areas within the unsurveyed portion of the project, lack of forested area within the project as a whole, and the proximity of turbines to these areas, we ask that the agencies consider this project a low risk to bats. In addition, to further mitigate potential risk, the client will adhere to tree cutting restrictions within this unsurveyed area of June 1 to July 31 to avoid pup season.

However, if USFWS and MNDNR have a different opinion based on the information presented above, please inform us, and NextEra would be open to discuss further. Thank you for your consideration of this project.

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



161 E. Aurora Road | Northfield, Ohio 44067

O: 216.518.2807

M: 440.263.9568

[jmiller@ectinc.com](mailto:jmiller@ectinc.com) | [www.ectinc.com](http://www.ectinc.com)

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## Ruth Ann Sobnosky

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**From:** Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>  
**Sent:** Thursday, June 11, 2020 3:39 PM  
**To:** Marsh, Dawn S; Marquardt, Shauna R  
**Cc:** Ruth Ann Sobnosky; Fitzgerald, Sean; Brian Ortman  
**Subject:** FW: Walleye Wind Project-Eagles  
**Attachments:** Walleye\_EagleNests\_20200609.pdf; Walleye\_EagleNests\_20200609\_Project.pdf;  
Walleye\_AerialNestSurveyReport\_20200609.pdf

Hi Dawn/Shaina,

I am forwarding the email update I sent to Mags for the Walleye wind project. Please let me know if you have questions.

Thank you,

### Michelle Phillips

*Environmental Specialist II*  
*NextEra Energy Resources, LLC*  
*708 Main Street, 10<sup>th</sup> Floor*  
*Houston, TX 77002*  
*Office (713)374-1549*  
*Mobile (281)798-5801*  
[Michelle.Phillips@nexteraenergy.com](mailto:Michelle.Phillips@nexteraenergy.com)



---

**From:** Phillips, Michelle  
**Sent:** Wednesday, June 10, 2020 11:19 AM  
**To:** 'Margaret\_Rheude@fws.gov' <Margaret\_Rheude@fws.gov>  
**Cc:** Fitzgerald, Sean <Sean.Fitzgerald@nexteraenergy.com>; 'Brian Ortman' <bortman@ectinc.com>; 'Ruth Ann Sobnosky' <rsobnosky@ectinc.com>  
**Subject:** RE: Walleye Wind Project-Eagles

Good morning Mags,

I would like to provide an update on the Walleye Wind project in Rock County, MN. Please see the attached maps showing an alternate bald eagle nest (previously active; failed in May 2020) outside of the revised project boundary. I have also attached the aerial nest survey report completed this year.

Since materials for the 4/15 meeting were distributed, the project has made significant array changes; no turbines are located within 1.6 miles of an active bald eagle nest.

Please let me know if you would like to discuss further. I have made several attempts to connect via email and phone to discuss the project and have received no comments or questions. I will assume that no response indicates no feedback based on the recent project changes.

Thank you,

**Michelle Phillips**  
*Environmental Specialist II*  
*NextEra Energy Resources, LLC*  
*708 Main Street, 10<sup>th</sup> Floor*  
*Houston, TX 77002*  
*Office (713)374-1549*  
*Mobile (281)798-5801*  
[Michelle.Phillips@nexteraenergy.com](mailto:Michelle.Phillips@nexteraenergy.com)



---

**From:** Phillips, Michelle  
**Sent:** Tuesday, April 28, 2020 12:43 PM  
**To:** 'Margaret\_Rheude@fws.gov' <[Margaret\\_Rheude@fws.gov](mailto:Margaret_Rheude@fws.gov)>  
**Cc:** Fitzgerald, Sean <[Sean.Fitzgerald@nexteraenergy.com](mailto:Sean.Fitzgerald@nexteraenergy.com)>; 'Brian Ortman' <[bortman@ectinc.com](mailto:bortman@ectinc.com)>  
**Subject:** RE: Walleye Wind Project-Eagles

Hi Mags,

Hope that you and your family are well. We understand that you are likely very busy and want to be respectful of your time constraints. As a follow up, we would like to have a discussion regarding the Walleye Wind project and our eagle study approach. Could you provide a date/time when you are available? Our team will work around whatever works best for you.

Thank you,

Michelle Phillips  
713-374-1549 office

---

**From:** Phillips, Michelle  
**Sent:** Monday, April 20, 2020 3:44 PM  
**To:** [Margaret\\_Rheude@fws.gov](mailto:Margaret_Rheude@fws.gov)  
**Cc:** Fitzgerald, Sean <[Sean.Fitzgerald@nexteraenergy.com](mailto:Sean.Fitzgerald@nexteraenergy.com)>; Brian Ortman <[bortman@ectinc.com](mailto:bortman@ectinc.com)>  
**Subject:** RE: Walleye Wind Project-Eagles

Hi Mags,

Very nice to be introduced to you. I would like to follow up on your availability to discuss eagle topics at the Walleye Wind project. Are you available on Wednesday (4/22) at 1pm CT? We are open to other dates/times this week as your schedule allows.

Thanks,

**Michelle Phillips**  
*Environmental Specialist II*  
*NextEra Energy Resources, LLC*  
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*Mobile (281)798-5801*  
[Michelle.Phillips@nexteraenergy.com](mailto:Michelle.Phillips@nexteraenergy.com)





**From:** Jessica Miller <[jmiller@ectinc.com](mailto:jmiller@ectinc.com)>  
**Sent:** Wednesday, April 15, 2020 1:26 PM  
**To:** [Margaret Rheude@fws.gov](mailto:Margaret.Rheude@fws.gov)  
**Cc:** Phillips, Michelle <[Michelle.Phillips@nexteraenergy.com](mailto:Michelle.Phillips@nexteraenergy.com)>; Fitzgerald, Sean <[Sean.Fitzgerald@nexteraenergy.com](mailto:Sean.Fitzgerald@nexteraenergy.com)>; Brian Ortman <[bortman@ectinc.com](mailto:bortman@ectinc.com)>; Ruth Ann Sobnosky <[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com)>  
**Subject:** Walleye Wind Project-Eagles

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If you can provide your availability it would be greatly appreciated.

Thank you.

**I am working remotely, please text or call my cell phone for immediate assistance 440-263-9568.**

*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



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## Ruth Ann Sobnosky

---

**From:** Phillips, Michelle <Michelle.Phillips@nexteraenergy.com>  
**Sent:** Wednesday, June 10, 2020 12:24 PM  
**To:** Margaret\_Rheude@fws.gov  
**Cc:** Fitzgerald, Sean; Brian Ortman; Ruth Ann Sobnosky  
**Subject:** RE: Walleye Wind Project-Eagles  
**Attachments:** Walleye\_EagleNests\_20200609.pdf; Walleye\_EagleNests\_20200609\_Project.pdf;  
Walleye\_AerialNestSurveyReport\_20200609.pdf

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**Sent:** Tuesday, April 28, 2020 12:43 PM  
**To:** 'Margaret\_Rheude@fws.gov' <Margaret\_Rheude@fws.gov>  
**Cc:** Fitzgerald, Sean <Sean.Fitzgerald@nexteraenergy.com>; 'Brian Ortman' <bortman@ectinc.com>  
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**Sent:** Wednesday, April 15, 2020 1:26 PM  
**To:** [Margaret Rheude@fws.gov](mailto:Margaret_Rheude@fws.gov)  
**Cc:** Phillips, Michelle <[Michelle.Phillips@nexteraenergy.com](mailto:Michelle.Phillips@nexteraenergy.com)>; Fitzgerald, Sean <[Sean.Fitzgerald@nexteraenergy.com](mailto:Sean.Fitzgerald@nexteraenergy.com)>; Brian Ortman <[bortman@ectinc.com](mailto:bortman@ectinc.com)>; Ruth Ann Sobnosky <[rsobnosky@ectinc.com](mailto:rsobnosky@ectinc.com)>  
**Subject:** Walleye Wind Project-Eagles

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*Jessica*

Jessica Miller, CERP  
Senior Natural Resource Manager-Midwest



161 E. Aurora Road | Northfield, Ohio 44067

O: 216.518.2807

M: 440.263.9568

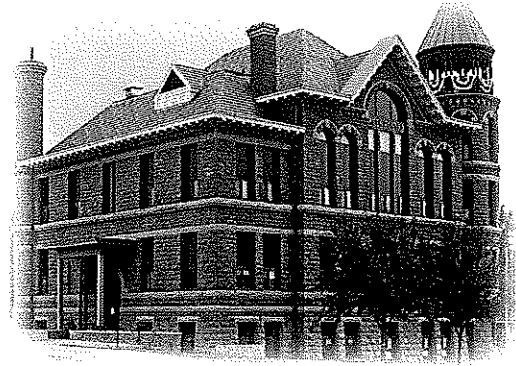
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# ROCK COUNTY BOARD OF COMMISSIONERS

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Stan Williamson, District 2  
Greg Burger, District 3  
Sherri Thompson, District 4  
Jody Reisch, District 5



July 6, 2020

Mike Weich  
Project Director  
Walleye Wind, LLC  
700 Universe Blvd FEW/JB  
Juno Beach, FL 33408

Dear Mr. Weich,

It is our understanding that Walleye Wind, LLC is proposing to develop, construct, own, and operate a 111.5 megawatt large wind energy conversion system ("LWECS") to be located in Rock County (the "Project"). It is also our understanding that the Project requires a Site Permit and Certificate of Need from the Minnesota Public Utilities Commission ("Commission").

We understand that under Minnesota Statute Section 216F.081, "The commission, in considering a permit application for LWECS in a county that has adopted more stringent standards, shall consider and apply those more stringent standards, unless the commission finds good cause not to apply the standards." You have asked whether the Rock County's Renewable Energy Ordinance was intended to be enforced on wind energy conversion systems ("WECS") larger than 5,000 kilowatts ("kW"), or 5 megawatts ("MW").

Rock County would like to clarify that it was not the County's intent for the Renewable Energy Ordinance to be applied to LWECS seeking siting approval from the Commission. Per the Section 2.1 (Purpose) of the Renewable Energy Ordinance:

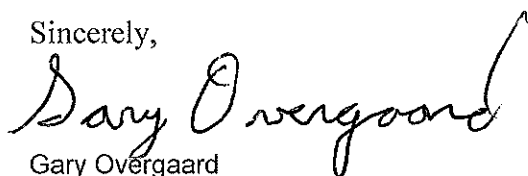
1. This ordinance is established to set forth processes for permitting Renewable Energy from eligible energy technology... and shall include the following:
  - A. Wind Energy Conversion Systems (WECS) with a rated capacity of less than 5,000 kilowatts (or five megawatts) and to regulate the installation and operation of WECS within Rock County **not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F**, Wind Energy Conversion Systems, as amended.

(Emphasis added).

Thus, given that the Project is subject to siting and oversight by the Commission pursuant to Minnesota Statutes, Chapter 216F, Rock County does not view Rock County's Renewable Energy Ordinance as being applicable to the Project's facility setbacks.

Furthermore, Rock County does not intend that the Project obtain Shoreland or Floodplain permits from the County for temporary impacts (*e.g.*, construction activities related to grading for turbines, timber mat placement for crane walks, boring and open trenching for collection line installment) that occur within the Shoreland 300-foot setback and Floodplains as we believe these issues will be adequately addressed by the State in its permitting processes. We would reserve the right to adjust this position if the State does not address this for some reason in its permitting.

Sincerely,

A handwritten signature in black ink that reads "Gary Overgaard". The signature is written in a cursive style with a large, sweeping initial "G".

Gary Overgaard  
Chair  
Rock County Board of Commissioners