

Appendix Q

NHIS/IPAC Data (MNDNR Biological Survey Map Clip)

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793



In Reply Refer To:

08/30/2024 14:13:04 UTC

Project Code: 2024-0137824

Project Name: Solway Solar Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2024-0137824

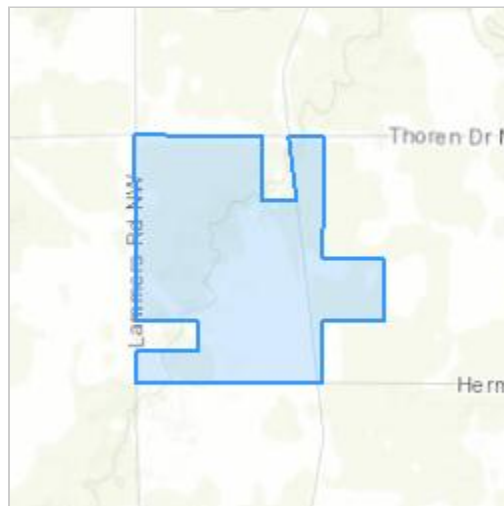
Project Name: Solway Solar Project

Project Type: Power Gen - Solar

Project Description: Otter Tail Power Company (Otter Tail) is proposing to develop the Solway Solar Project, a solar facility, north of the city of Solway, Minnesota.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.5518567,-95.13331847804639,14z>



Counties: Beltrami County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [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.

MAMMALS

NAME	STATUS
Gray Wolf <i>Canis lupus</i> Population: MN There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4488	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Kirsten Granstrom-Arndt
Address: 1601 Utica Avenue South, Suite 600
Address Line 2: Suite 600
City: St Louis Park
State: MN
Zip: 55416
Email: kirsten.granstrom-arndt@hdrinc.com
Phone: 7635916691



United States Department of the Interior

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In Reply Refer To:
Project code: 2024-0136914
Project Name: OTP Solway Solar

08/28/2024 21:21:33 UTC

Subject: Consistency letter for 'OTP Solway Solar' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Daniel Jones:

The U.S. Fish and Wildlife Service (Service) received on **August 28, 2024** your effect determination(s) for the 'OTP Solway Solar' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Gray Wolf (<i>Canis lupus</i>)	Threatened	NLAA
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect

Determination Information

Thank you for informing the Service of your "NLAA" determination(s). No further coordination is necessary for the species you determined may be affected, but not likely to be adversely affected, by the Action.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your

project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. Please include the Federal action agency in additional correspondence regarding this project.

Species-specific information

Gray Wolf: Please notify the Service if there is observed gray wolf activity during project implementation that could indicate a den or rendezvous site in close proximity (e.g., multiple wolves observed).

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

Coordination with the Service is not complete if additional coordination is advised above for any species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

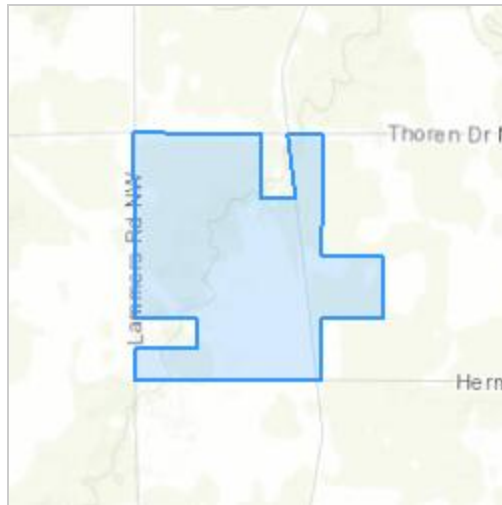
OTP Solway Solar

2. Description

The following description was provided for the project 'OTP Solway Solar':

Proposed solar array installation on 478-acre parcel near Solway, MN in southern Beltrami County. Site is currently ~50% forested and 50% pasture/grassland.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.5518567,-95.13331847804639,14z>



QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

2. Is the action being funded, authorized, or carried out by a Federal agency?

No

3. Are you the Federal agency or designated non-federal representative?

No

4. Does the action involve the installation or operation of wind turbines?

No

5. Does the action involve purposeful take of a listed animal?

No

6. Does the action involve a new communications tower?

No

7. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?

No

8. Will your action permanently affect local hydrology?

No

9. Will your action temporarily affect local hydrology?

No

10. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

No

11. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

Note: Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

No

12. Will your action disturb the ground or existing vegetation?

Note: This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

13. Will your action include spraying insecticides?

No

14. Does your action area occur entirely within an already developed area?

Note: Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

15. Is there any potential for the action to harm wolves directly (e.g., mammal trapping, poison bait), or indirectly (e.g., increasing vehicle use that may result in vehicle strikes, exposure to potential human persecution)?

No

16. [Hidden Semantic] Does the action area intersect the Threatened gray wolf AOI?

Automatically answered

Yes

17. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

Automatically answered

Yes

18. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

No

IPAC USER CONTACT INFORMATION

Agency: Private Entity

Name: Daniel Jones

Address: Utica Avenue South #600

City: St. Louis Park

State: MN

Zip: 55416

Email: daniel.jones2@hdrinc.com

Phone: 7635915394



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Solway Solar Project

Project Proposer: Otter Tail Power Company

Project Type: Power, Solar

Project Type Activities: Tree Removal;Waterbody or watercourse impacts (e.g., dewatering, discharge, excavation, fill, runoff, sedimentation, changes in hydrology));Wetland impacts (e.g., dewatering, tiling, drainage, discharge, excavation, fill, runoff, sedimentation, changes in hydrology)

TRS: T147 R35 S16, T147 R35 S21

County(s): Beltrami

DNR Admin Region(s): Northwest

Reason Requested: PUC Site or Route Application

Project Description: The project is a 50 MW solar project in Lammers Township that will be constructed within an area comprised of approximately 501.3 acres. The project ...

Existing Land Uses: The proposed project area is a combination of cultivated fields, pasture and forested area. A portion of the forested area was cut prior to Otter Tail ...

Landcover / Habitat Impacted: The proposed project area is a combination of cultivated fields, pasture and forested area. The project does not cross any state land, public land, or natural resource sites.

Waterbodies Affected: The proposed project area contains 11.76 acres of NWI wetlands including 3.86 acres of Palustrian Emergent (PEM), 4.16 acres of Palustrian Forested (PFO), ...

Groundwater Resources Affected: The underlying bedrock in the project area consists of a diversity of Precambrian rock including gneiss, granite, mafic, volcanic, and sedimentary rocks ...

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Records	Visit IPaC For Federal Review



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

July 15, 2024

Project ID: MCE #2024-00571

Kirsten Granstrom-Arndt
HDR Inc
1601 Utica Avenue South, Suite 600
Minneapolis, MN 55416

RE: Automated Natural Heritage Review of the proposed Solway Solar Project
See Cover Page for location and project details.

Dear Kirsten Granstrom-Arndt,

As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Project Type and/or Project Type Activity Comments

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review before initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

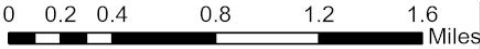
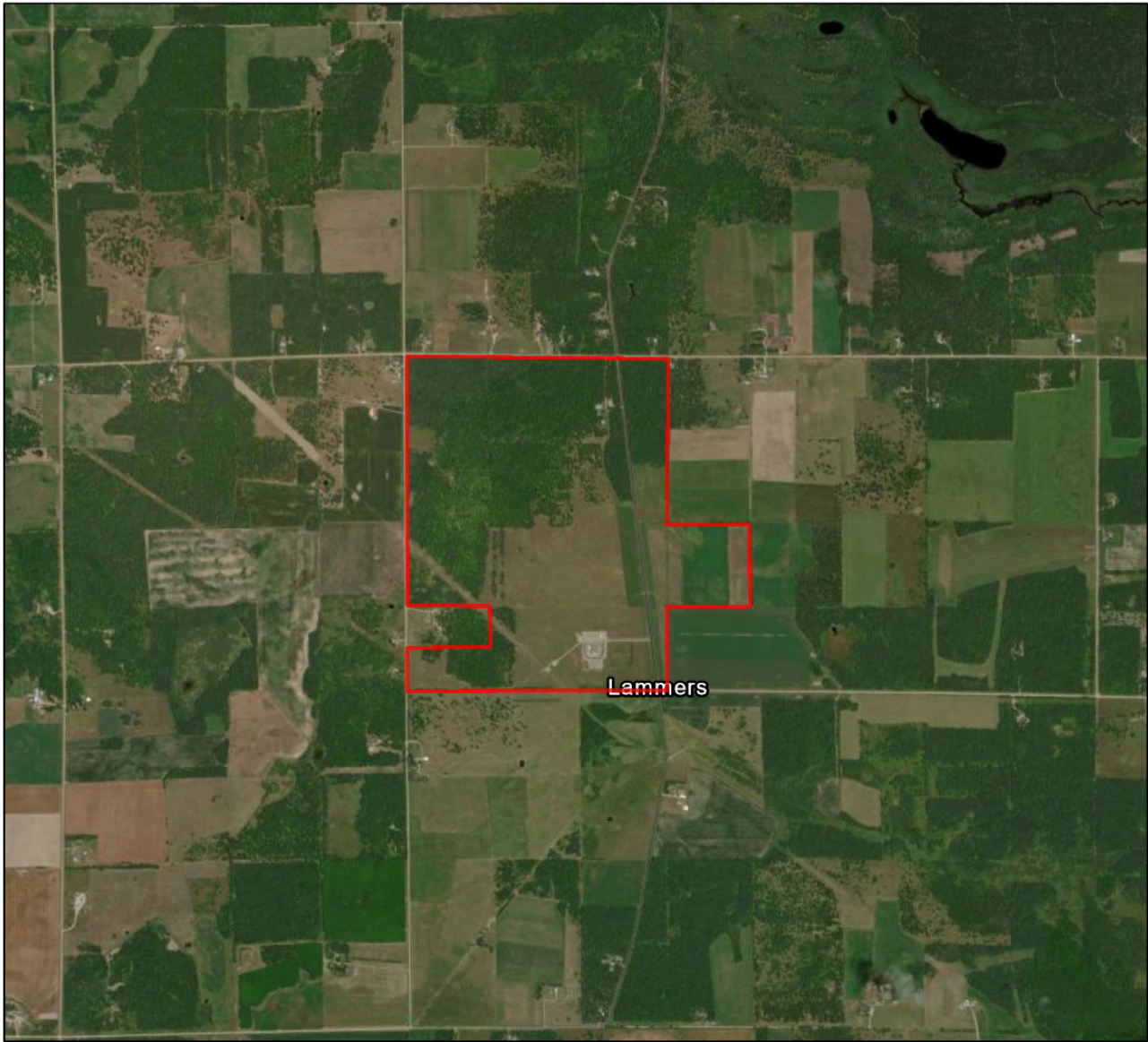
Sincerely,

Jim Drake Jim Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Solway Solar Project

Aerial Imagery With Locator Map



 Project_Boundary

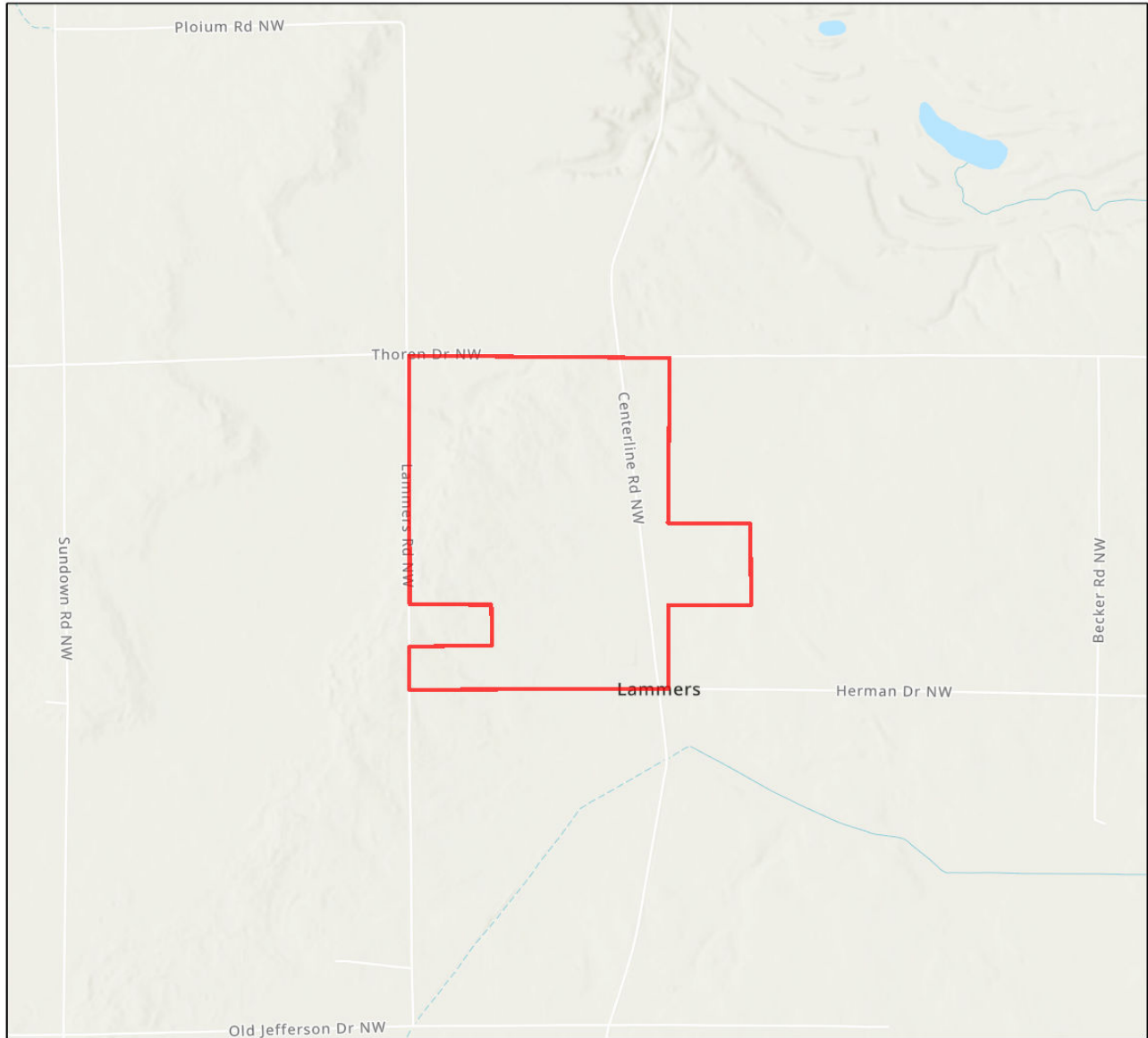
Project Type: Power, Solar
Project Size (acres): 501.44
County(s): Beltrami
TRS: T147 R35 S16, T147 R35 S21

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Earthstar Geographics
Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,



Solway Solar Project

USA Topo Basemap With Locator Map



0 0.2 0.4 0.8 1.2 1.6 Miles

Project_Boundary

Project Type: Power, Solar

Project Size (acres): 501.44

County(s): Beltrami

TRS: T147 R35 S16, T147 R35 S21

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Esri, NASA, NGA, USGS, FEMA
Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

