

From: [Tegdesch, Elizabeth \(MPCA\)](#)
To: [Davis, Richard \(COMM\)](#)
Cc: [Kromar, Karen \(MPCA\)](#); [Card, Dan \(MPCA\)](#); [Steinwand, Fawkes \(MPCA\)](#); [Getman, Roberta \(MPCA\)](#); [Brist, Jim \(MPCA\)](#)
Subject: MPCA Comment Letter - Three Rivers Wind Farm
Date: Tuesday, February 25, 2020 1:49:32 PM
Attachments: [Three Rivers Wind Farm Comment ltr.pdf](#)

Attached are the Minnesota Pollution Control Agency's comments on the Three Rivers Wind Farm project. A paper copy will follow by U.S. mail.

Please acknowledge receipt of this comment letter to Karen Kromar at Karen.kromar@state.mn.us

Thank you.

Elizabeth Tegdesch
Environmental Review and EQB Support
651-757-2100
Elizabeth.tegdesch@state.mn.us

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February 25, 2020

Richard Davis
Environmental Review Manager
Environmental Review and Analysis
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul, MN 55101

Re: Three Waters Wind Farm Project
PUC Docket Number: IP-7002/WS-19-576

Dear Richard Davis:

Thank you for the opportunity to review and comment on the Three Waters Wind Farm project (Project), a 201-megawatt wind generation facility in Jackson County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Section 8.3 Noise

The MPCA appreciates the applicant's discussion of noise, including the monitoring, modeling, and mitigation methods included. Based on the information provided in the site permit application, it appears that the turbine noise generated by the Project, in combination with ambient noise levels and proposed residential turbine setbacks, will be compliant with MPCA noise rules. However, the MPCA requests that the applicant submit the final Figure 8 and Appendix D Noise Report to the MPCA for review prior to finalization of Project plans, including final decisions about which turbine models and hub heights will be used. For noise related questions, please contact Fawkes Steinwand at 651-757-2327 or Fawkes.Steinwand@state.mn.us.

Section 8.16 Surface Water and Floodplain Resources

- The Project will disturb approximately 518 acres and the Little Sioux River running near the Project site, as well as Judicial Ditch #13 (Skunk Creek) which runs through the Project site, have construction-related impairments that are not mentioned in the site permit application. Assuming stormwater is likely to drain to these waters, the Stormwater Pollution Prevention Plan (SWPPP) will require MPCA review and approval prior to National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater permit (CSW Permit) issuance. The site permit application also does not identify the waters within 1 mile of the Project site. Round Lake and Iowa Lake near the west side of the Project boundaries also have construction-related impairments. Potential impacts to these lakes should be included in the permit requirements if any of these lakes are within 1 mile from the site boundaries and if stormwater from the Project has the ability to flow to these waters.
- The Project will result in approximately 69 acres of new impervious surfaces, but there is no mention of the need to provide permanent stormwater management facilities to treat the stormwater runoff. The SWPPP for the Project will need to include plans to treat stormwater runoff prior to discharge into the existing surface waters as required by the CSW Permit. Wetlands at the site may not be utilized for stormwater treatment unless they have undergone mitigation.

- The site permit application describes plans to stabilize soils after construction is complete, but does not mention the use of temporary stabilization practices or timelines required to stabilize disturbed soils where construction has temporarily ceased. The SWPPP for the Project will need to include the requirement to stabilize soils within 7 days of temporarily ceasing soil disturbance on any portion of the site due to the site's ability to discharge to waters with construction-related impairments.
- Other best management practices (BMPs) needed during construction include sediment controls around the soil stockpiles that are mentioned and redundant down gradient sediment controls for any disturbances within 50 feet of the wetlands or any other surface waters.
- Trained individuals will be required to oversee construction erosion and sediment control BMP installation and maintenance. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Section 8.17 Wetlands

The applicant needs to include the MPCA Clean Water Act Section 401 Water Quality Certification as a regulating entity that may require protection (and mitigation) to surface waters through BMPs during construction. The MPCA uses the definition of "Waters of the State" as defined in Minn. Stat. ch. 115.01 subd 22. to determine what waters are regulated by the MPCA. This definition is broader than the definition of "Waters of the U.S." used by the U.S. Army Corps of Engineers (USACE). Some waters that are not regulated by the USACE or under the Wetland Conservation Act (WCA), are regulated by the MPCA. When making an application for wetlands impacts for a proposed project, the applicant needs to include all impacts to all surface waters, even if those waters have been determined to be non-jurisdictional by the USACE or are WCA exempt. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Jim.Brist@state.mn.us.

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this project please contact me by email at karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Fawkes Steinwand, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Jim Brist, MPCA, St. Paul

From: [GraggJohnson, Kelly \(ADM\)](#)
To: [Davis, Richard \(COMM\)](#)
Subject: Three Waters Wind Farm Site Permit Application; SHPO Project No. 2019-2340
Date: Wednesday, February 19, 2020 4:12:06 PM
Attachments: [2019-2340.pdf](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)

Mr. Davis –

We noted in the Permit Application under Section 8.6 Cultural and Archaeological Resources, 8.6.1 Resources, that it was noted that the SHPO had not provided comments on the Cultural Resource Literature Review Report dated September 16, 2019. We received a copy of this report on September 23, 2019 and provided comments to In Situ Archaeological Consulting on October 28, 2019. Please see the attached letter for your records. We look forward to further consultation on this project and to reviewing the results of the Phase I survey when they become available.

Best Regards,

Kelly



Kelly Gragg-Johnson | Environmental Review Specialist

50 Sherburne Avenue, Suite 203

Saint Paul, MN 55155

(651) 201-3285

kelly.graggjohnson@state.mn.us



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**DEPARTMENT OF
ADMINISTRATION**

STATE HISTORIC PRESERVATION OFFICE

October 28, 2019

Mr. Abraham Ledezma
In Situ Archaeological Consulting
9717 Valley View Road
Eden Prairie, MN 55344

RE: Three Waters Wind Farm
Jackson County
SHPO Number: 2019-2340

Dear Mr. Ledezma:

Thank you for the opportunity to comment on the above project. Information received in our office on September 23, 2019 has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. State. 138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

As we understand it, Three Waters Wind Farm, LLC is proposing to construct a large wind energy project on approximately 48,000 acres in Jackson County. This project includes the installation of up to 71 wind turbines, associated equipment, access roads and underground utility lines. We have reviewed the report titled *Cultural Resource Literature Review for the Three Waters Wind Energy Project, Jackson County, Minnesota, Minnesota State Historic Preservation Office, Project Number 2019-2340* (September 16, 2019, In Situ Archaeological Consulting). Our comments and recommendations are provided below.

Based on information that is available to us at this time, we recommend that the proposed project be designed to avoid impacts to known cultural resources. We also recommend that a Phase I archaeological survey be completed for the remainder of the proposed project. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We also recommend that the proposed project be designed to avoid impacts to properties that are listed in the state historic site network, the state register of historic places, and the National Register of Historic Places pursuant to Minn. State 138.665-666.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact our Environmental Review Program at (651) 201-3285.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue □ Administration Building 203 □ Saint Paul, Minnesota 55155 □ 651-201-3287

mn.gov/admin/shpo/ □ mnshpo@state.mn.us

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