

Cultural Resources Plan



- Generate list of potentially affected resources.
- Revise project boundary and develop layout to avoid/minimize impacts and ensure regulatory compliance.
- Coordinate with SHPO and stakeholders as appropriate and incorporate recommendations as practicable.
- Describe potential affects and avoidance/minimization measures for PUC compliance.
- Prepare and implement Unanticipated Discoveries Plan during construction.



PART TWO: Conclusions and Next Steps



EXHIBIT I

Greetings -

Thank you for your interest in participating in the Big Bend Wind and Red Rock Solar Energy Projects cultural surveys. We understand that there have been challenges during this planning process and we greatly appreciate your patience. We are excited to have 12 Tribes participating at the start. Because of this, we are requesting that each Tribe send one representative, and then we hopefully can add additional participants as the project proceeds.

Our initial survey plan for 2019 will be as follows:

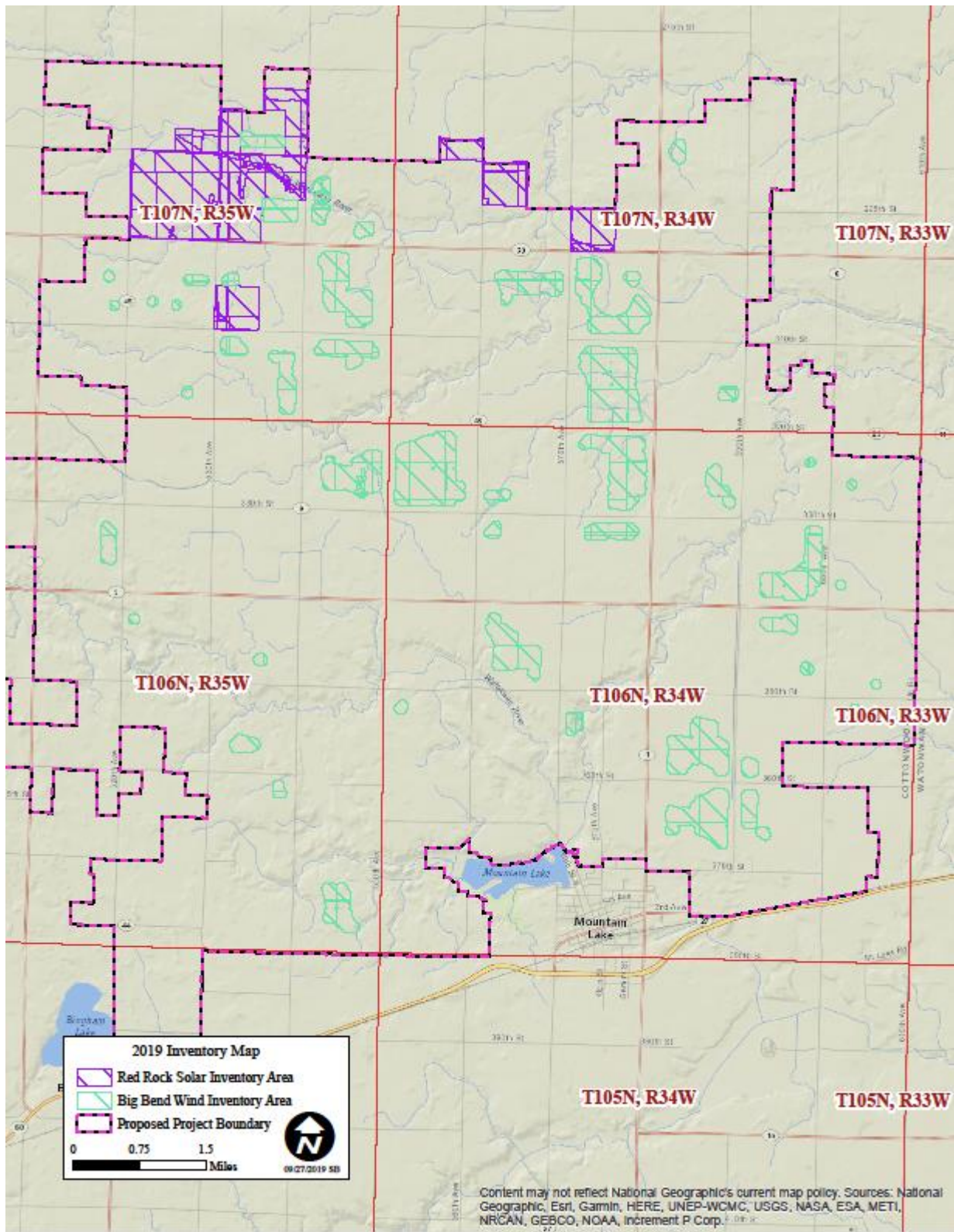
- Meet Oct. 8th at the Apex Mountain Lake office to go over introductions, safety, goals, methods, and teams.
 - 306 10th St. N, Mountain Lake, MN (it is across from the city park, there is a sign on the door, but the sign on the building says pizza)
- 8 to 10 hour field days, with morning, lunch, and afternoon breaks for lunch 5 to 7 days a week.
 - When TCPs are located, tribal representatives will be allowed time to complete Tribal documentation and/or ceremonial practices. Archeologists will be able to assist if requested.
 - Subsurface testing participation is optional for any tribal representatives.
- Per diem of \$40.00 per day will be paid each week on the first work day of the week.
- Participants will be compensated as consultants/contractors at \$50.00 per hour, paid every two weeks.
- Lodging will be arranged and paid for by Quality Services, Inc. at local hotels.
- Mileage travel costs to get to the hotels from your homes will also be covered.
- If THPOs or elders would like to visit during the survey, we will make every effort to accommodate these requests. Please contact Warren Buck Elk at 605-858-9668 or Lance Rom at 605-388-5309 to arrange these visits.

Weekly summaries will be provided to THPOs through the duration of the survey. We expect survey work to go through November 2019 however, this may change due to weather and other factors. **Areas that will be included in the fall 2019 surveys are identified in the attached pdf document;** additional surveys **covering the remainder of the facility footprint** are planned in the spring of 2020.

Please confirm your representative's participation by email to Warren Buck Elk, wbuckelk@qualityservices.us.com. Warren will also be calling and emailing you to confirm arrangements and answer any questions you may have.

Thank You!

Warren R. Buck Elk Sr.
Tribal Liaison
Office: 605-388-5309
Cell: 605-858-9668
wbuckelk@qualityservices.us.com
www.qualityservices.us.com



T107N, R35W

T107N, R34W

T107N, R33W

T106N, R35W

T106N, R34W

T106N, R33W

T105N, R34W

T105N, R33W

Mountain Lake

Brigham Lake

Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, Increment P Corp.

EXHIBIT J



On December 17, 2019, Big Bend Wind provided Tribal Historic Preservation Officers (THPOs) with an update regarding its Fall 2019 cultural resources inventory work at the Big Bend Wind Project and Red Rock Solar Project. That update included the following information:

- Seven tribes provided Tribal Cultural Specialists (TCS) for this field session (10/24/19 to 11/06/19) including Lower Sioux, Upper Sioux, Sisseton, Turtle Mountain, Rosebud, Oglala, and Otoe-Missouria. Cheyenne River planned to send a person however he was unable to make it this session.
- A total of 2,352 acres of high, medium, and low probability areas have been surveyed in the planned Red Rock Solar Project and for potentially buildable areas for wind turbines in the Big Bend Wind Energy Project.
- 81 subsurface tests were conducted in a high probability area. No prehistoric material, but some historic artifacts were located. In additional areas five other subsurface tests were completed to 1 meter deep still in A horizon.
- We met in the field with Tom Sanders and Bob Larson of the Red Rock Ridge Rock Art Research Group, and with David Briese and Chuck from Jeffers Petroglyphs State Historic Site, to help identify possible petroglyphs and discuss ways to protect them, primarily by avoidance.

Big Bend Wind also provided the THPOS with a table identifying cultural resources that had been located through survey efforts.

In addition, Big Bend Wind provided the following updates regarding further archaeological and cultural resources work for the Projects:

- In winter and spring 2020 architectural history survey will be conducted.
- In spring 2020 the following work is being planned:
 1. Survey 217 acres in Big Bend Wind turbine buildable areas.

EXHIBIT J

2. Possible additional subsurface testing at certain identified outcrops.
 3. Additional testing may be conducted in a specific solar area during a dry period.
 4. Possible lichen removal on outcrops in order to identify potential petroglyphs.
 5. Survey of transmission lines, planned roads, buried connector lines, substation, operations and maintenance facility, and possibly other areas. Locations of these facilities have not yet been determined.
- Dates of this work have not been finalized but could occur as early as March or April if weather and ground conditions allow. Most of the planned survey work will need to be completed prior to planting crops. We will be contacting all tribes who have expressed, or may still indicate, interest in participating in the field surveys.



EXHIBIT K

January 7, 2020

Greetings THPOs,

I am writing to thank you for your continued participation and input regarding the development process of the wind and solar farm, Big Bend Wind and Red Rock Solar, planned to be located on private land in Cottonwood and Watonwan Counties, Minnesota. As we move forward with development activities, we are once again writing to seek your input as it relates to the protection of potentially sensitive tribal cultural resources.

As a recap, Apex shared a preliminary layout and visual simulations of that preliminary layout at our July 17, 2019 meeting. The materials from that meeting were shared with the tribes on August 1, because not everyone could participate in the meeting in-person. The input we received during the meeting and afterward led Apex to move turbines farther away from Red Rock Ridge. We also received valuable input on how best to conduct the project's cultural surveys. There were seven tribes that participated in the fall cultural resources inventory between October 8 and November 5: Lower Sioux, Upper Sioux, Sisseton, Turtle Mountain, Rosebud, Oglala, and Otoe-Missouria. Apex will continue the cultural resources inventory in the spring of 2020.

In follow up to this work, we are pleased to invite you to meet with us again on Tuesday, January 28, 2020, from 11am – 2pm at our project office in Mountain Lake (306 10th Street, Mountain Lake, MN 56159). Lunch will be provided. During the meeting, Apex will share:

- An updated draft layout
- Visual simulations that correspond to the new layout
- Results of the fall archaeological survey
- Expected timeline for the permitting of the project and continued survey work

To make attendance as easy as possible, Apex will reimburse travel expenses incurred by any THPO representative(s) who is able to be present at this meeting. If you or a delegate plans to attend, please respond to us no later than Tuesday, January 21. Please note any food allergies or requests in your reply.

We look forward to meeting with you or your designated representative.
Sincerely,

Reuben Weston – Tribal Liaison, Quality Services Inc.

Lance Rom – President, Quality Services Inc.

Brenna Gunderson – Director of Project Development, Apex Clean Energy

Contact: Office: 605-388-5309 Cell: 605-407-1220 rweston@qualityservices.us.com

c/o Apex Clean Energy, Inc.

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Big Bend Wind and Red Rock Solar

January 28, 2020



Agenda



- **Welcome**
- **Project Overview and Update**
- **Fall 2019 Surveys**
- **Spring 2020 Surveys**
- **New Layout and Project Boundary**
- **Visual Simulations**
- **Discussion and Feedback**

Apex: Values and Commitment

Summary

Apex Clean Energy is an independent renewable energy company focused on building utility-scale generation facilities. Our team includes experts in all areas of clean energy development including environmental permitting, project engineering, construction, electricity transmission, utility market analysis, and project operations.

Company Values

Entrepreneurship

Professionalism

Integrity

Safety

Sustainability

Commitment

Apex is committed to the responsible development of clean energy resources in order to ensure that our projects create economic and environmental value for all stakeholders.



Big Bend Wind and Red Rock Solar

Big Bend renewable projects will generate clean electricity and local economic benefits and support the local community

Big Bend Wind

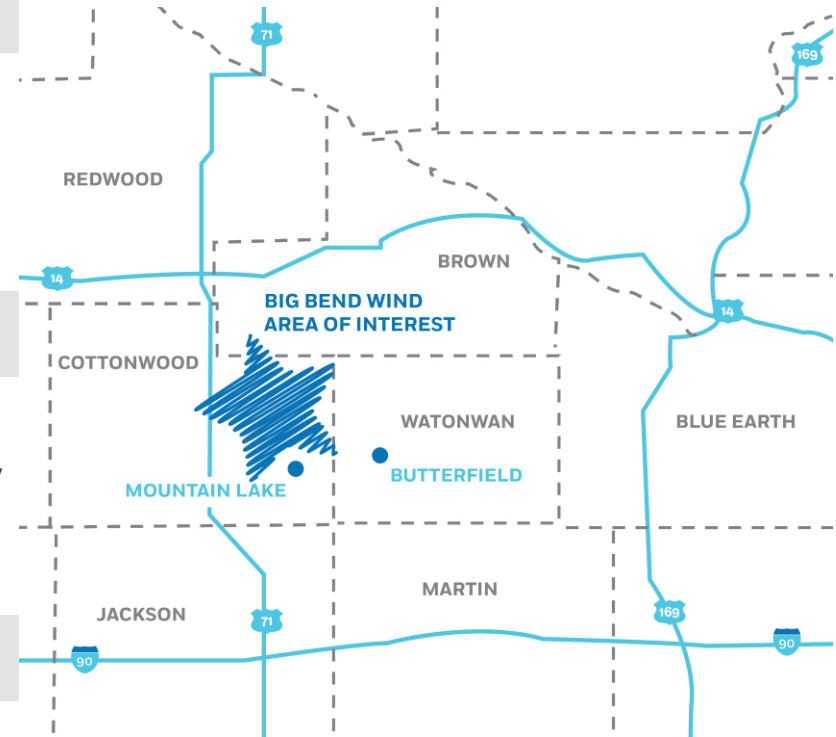
- Up to 335 MW (powering over 100,000 homes annually)
- 60 to 90 wind turbines (depending on model used)
- Developed across 30,000 acres of farmland

Red Rock Solar

- Considering up to 100 MW
- ~1,200 acres of buildable area for solar panel array
- Will not be a standalone project—will share facilities with Big Bend Wind

Project Schedule

- 2020: Complete environmental studies, begin MN permitting process
- 2022: Start construction and operations



Project Update: What's Happening Now?

- **Leasing Effort:**
 - Site control complete in Cottonwood County
 - Watonwan County leasing
 - Overhead transmission line ~70% complete
- **Turbine Layout:**
 - Turbine locations for layout have been identified
 - If we need to change the turbine model, locations could change slightly but this would not increase the number of turbines or move them any closer to the ridge
- **Permitting:**
 - Beginning to prepare for MN PUC permitting process. Planning to submit permit application in Q2 2020. Big Bend and Red Rock will be seeking separate permits.
- **Environmental Surveys:**
 - Finalizing avian and bat surveys, cultural surveys, and wetland surveys in the spring for our layout



Project Update: What's next?

- **Leasing Effort:**
 - Finalize site control in Watonwan County to give us the option for a full 335MW project size
 - Overhead transmission line route needs to be secured
- **Turbine Layouts:**
 - Turbine locations that we submit in our permit application will cover three different turbine models
- **Site Plan Review:**
 - Prior to submitting our permit application we will have a full site plan review with the landowners to show roads, collection lines, etc.
- **Power Marketing:**
 - Secure a power purchaser for the project
- **Permitting:**
 - Submit our permit application and start the 15-18 month permitting window in order to construct the project in 2022.



Redacted - Cultural Resources Surveys

This slide was removed to protect culturally sensitive information.

Redacted - Cultural Resources Surveys

This slide was removed to protect culturally sensitive information.

2020 Spring Survey Plans: What's next?

- **Red Rock Solar**
 - Survey 470 acres in the solar development
 - Inventory any associated facilities roads, collector or transmission lines, substations, operations and maintenance areas, etc.
 - Record and evaluate all cultural sites located
 - Complete architectural history (historic structures) inventory
- **Big Bend Wind**
 - Inventory additional areas for turbines, roads, collector or transmission lines, substations, operations and maintenance areas, laydown yards, etc.
 - Complete architectural history (historic structures) inventory
- **Ongoing Coordination**
 - Continue coordination with those interested parties to employ tribal staff
 - Continue to incorporate any received feedback into the spring survey plans

Big Bend's Commitments to Protect and Avoid

Big Bend will commit to protecting and avoiding significant cultural resources that are discovered during cultural surveys.

The project team will:

- **Avoid all TCPs identified during surveys through micro-siting of project infrastructure**
- **Ensure final reporting ensures confidential treatment of TCPs**
- **Finalize the accuracy of the field determinations when the specific locations for the plotted cultural sites are received from QSI**
- **Partner with tribal monitors during construction to ensure avoidance**
- **Develop an Unanticipated Cultural Resource Finds document that will be employed during construction**
- **Help facilitate post-construction site revisits for tribes with the landowners**

Big Bend Stakeholder Input Process

Apex's goal is to build a project that benefits the community and the environment while minimizing impacts to various environmental characteristics.

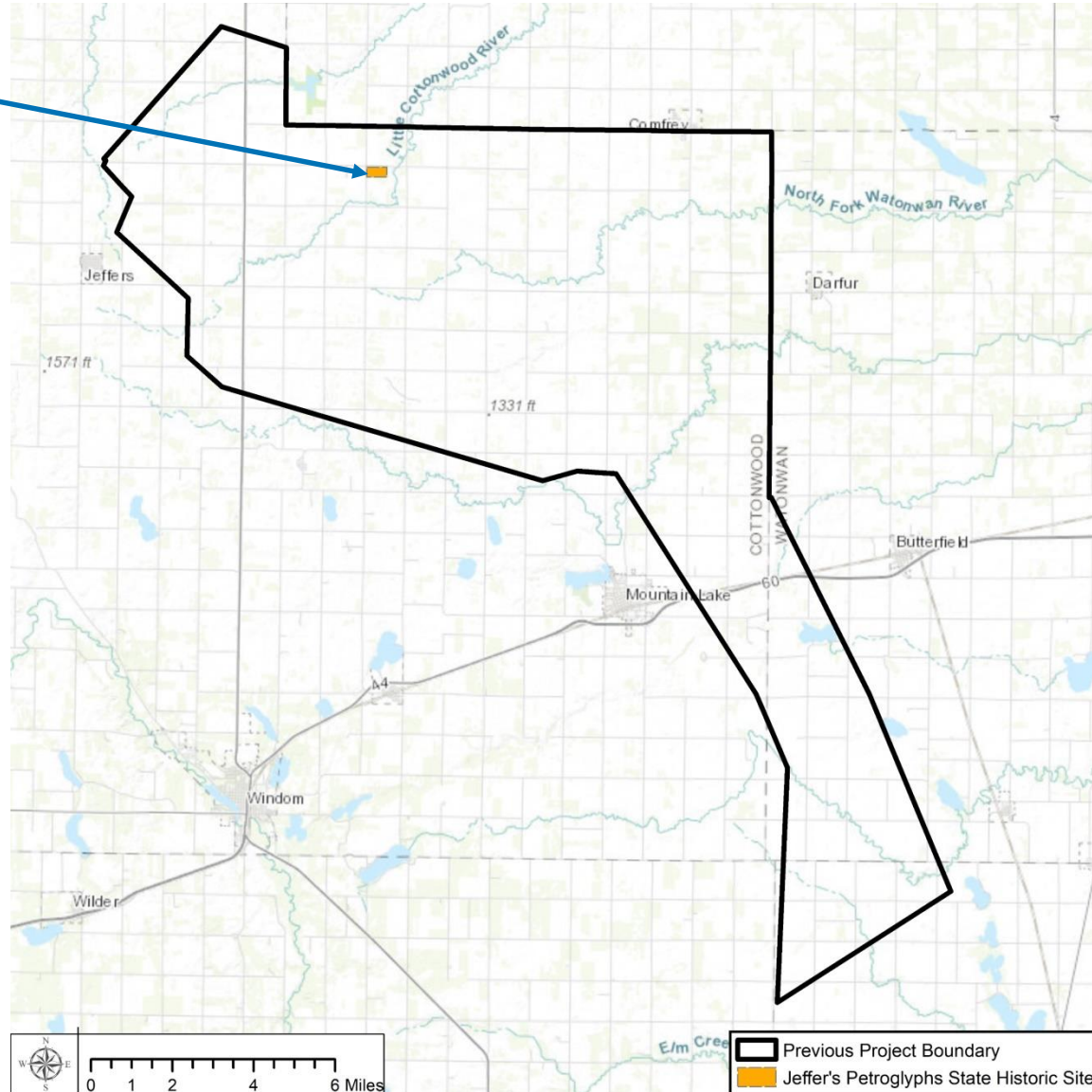
Feedback from tribes and other stakeholders has been ongoing since early 2018.

Feedback from tribes has led to several key changes in design:

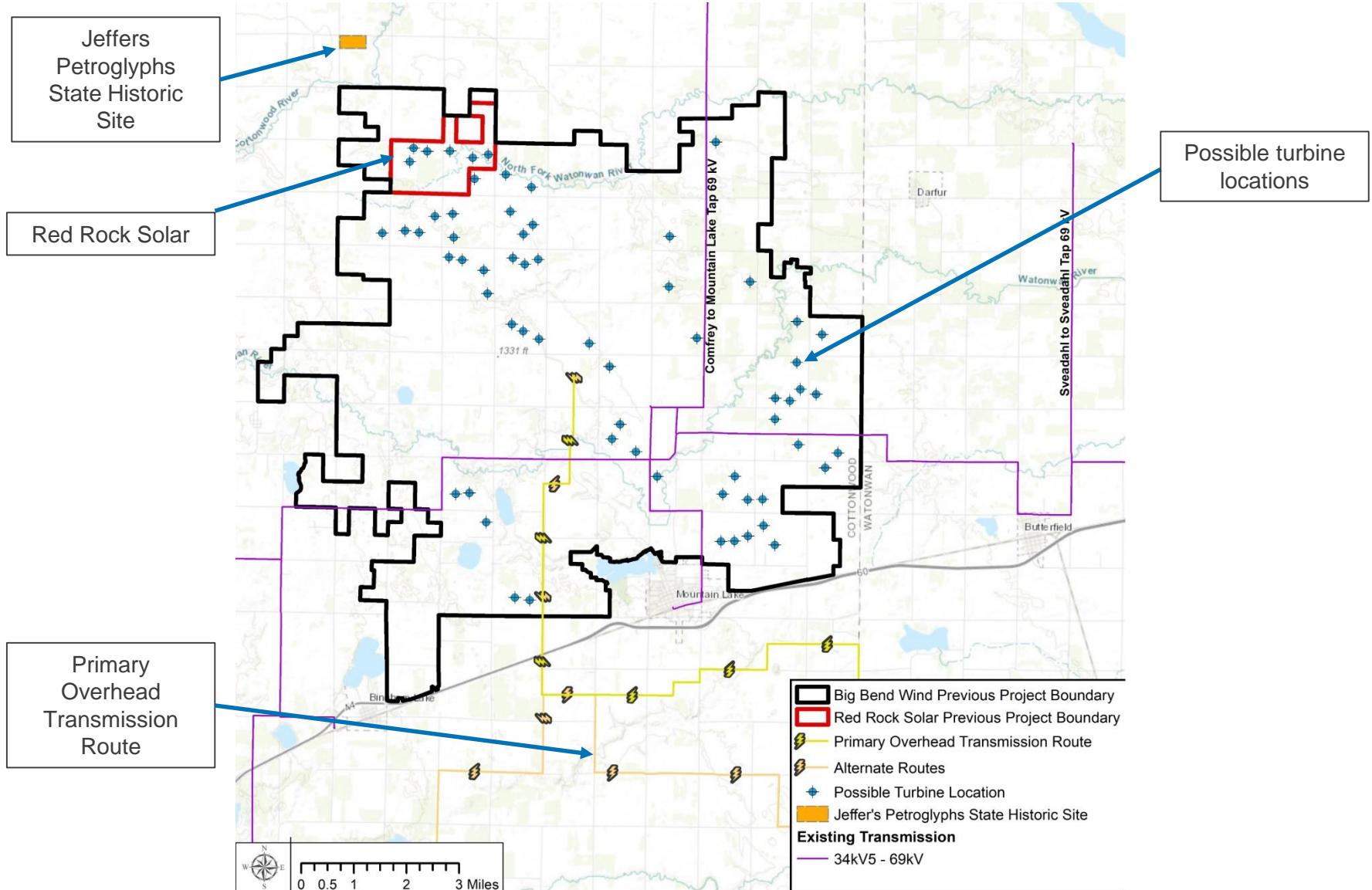
- **Avoiding any shadow flicker or audible turbine sound at the Jeffers Petroglyphs site**
- **Incorporating Aircraft-Detecting Lighting Systems (ADLS*) to minimize red lights at night**
- **Cultural and Archaeological Surveys include participation from seven tribes**
- **Surveys used methodology based on suggestions from tribes and Red Rock Ridge Research Group**
- **Oral History interviews were conducted to better understand historical ties to the area and spiritual significance of Red Rock Ridge**
- **Project boundary has been shifted multiple times to attempt to address concerns with potential visual impacts**
- **Weekly updates will be sent to THPOs during spring 2020 field surveys**
- **Monthly updates will be sent to THPOs regarding general project development**

Original Project Boundary

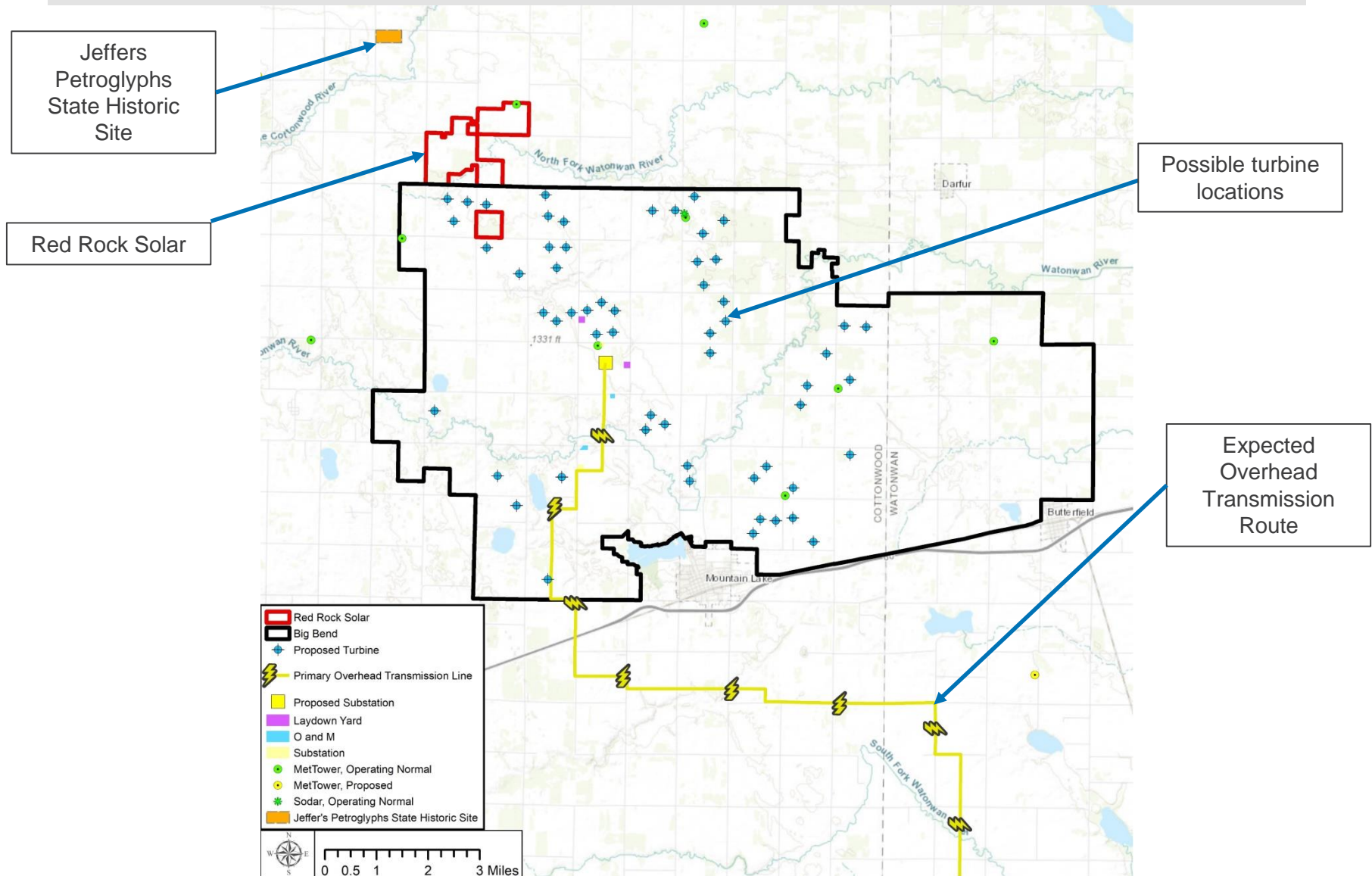
Jeffers
Petroglyphs
State Historic
Site



July Layout

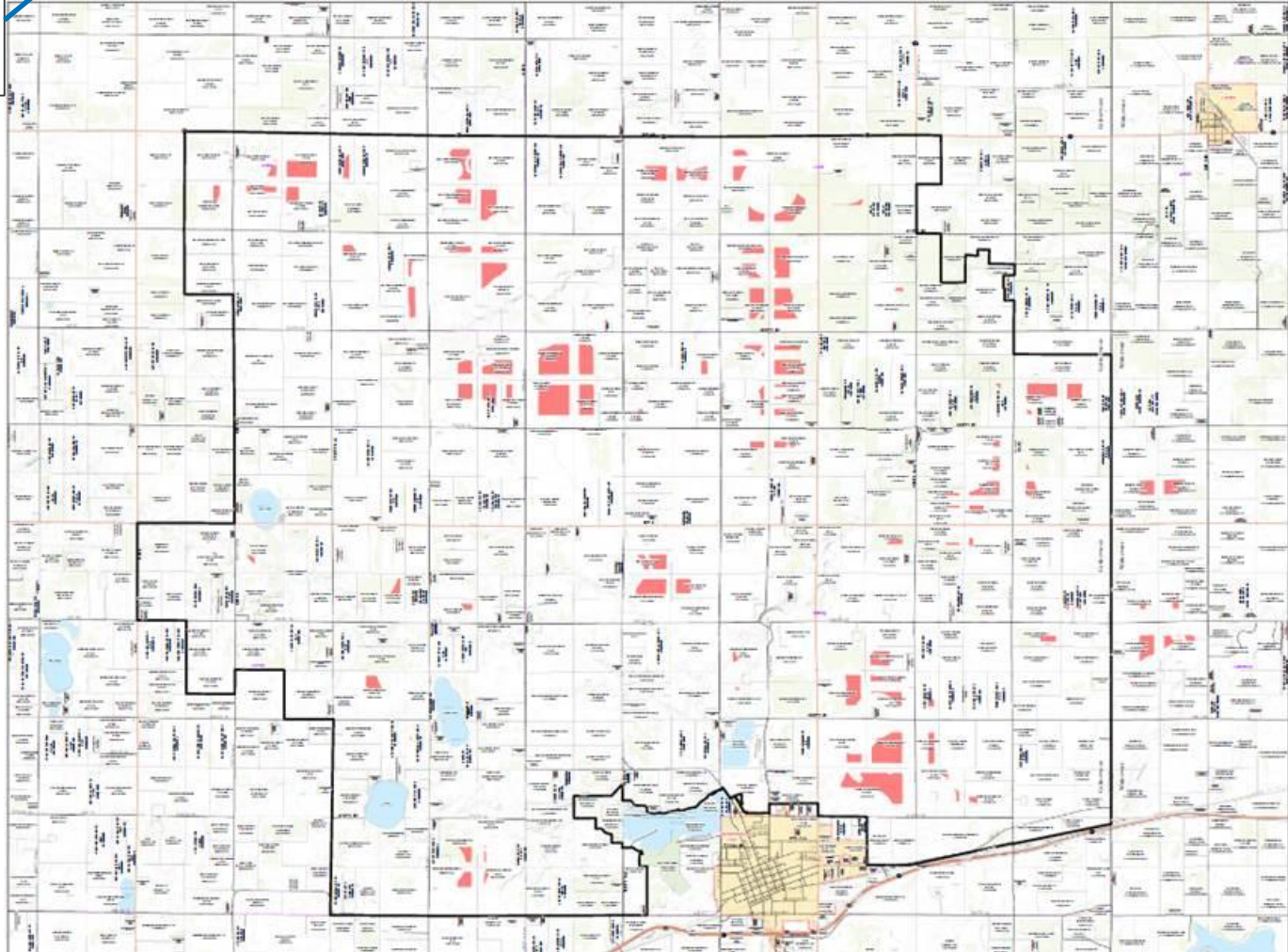


December 2019 Layout (most recent)

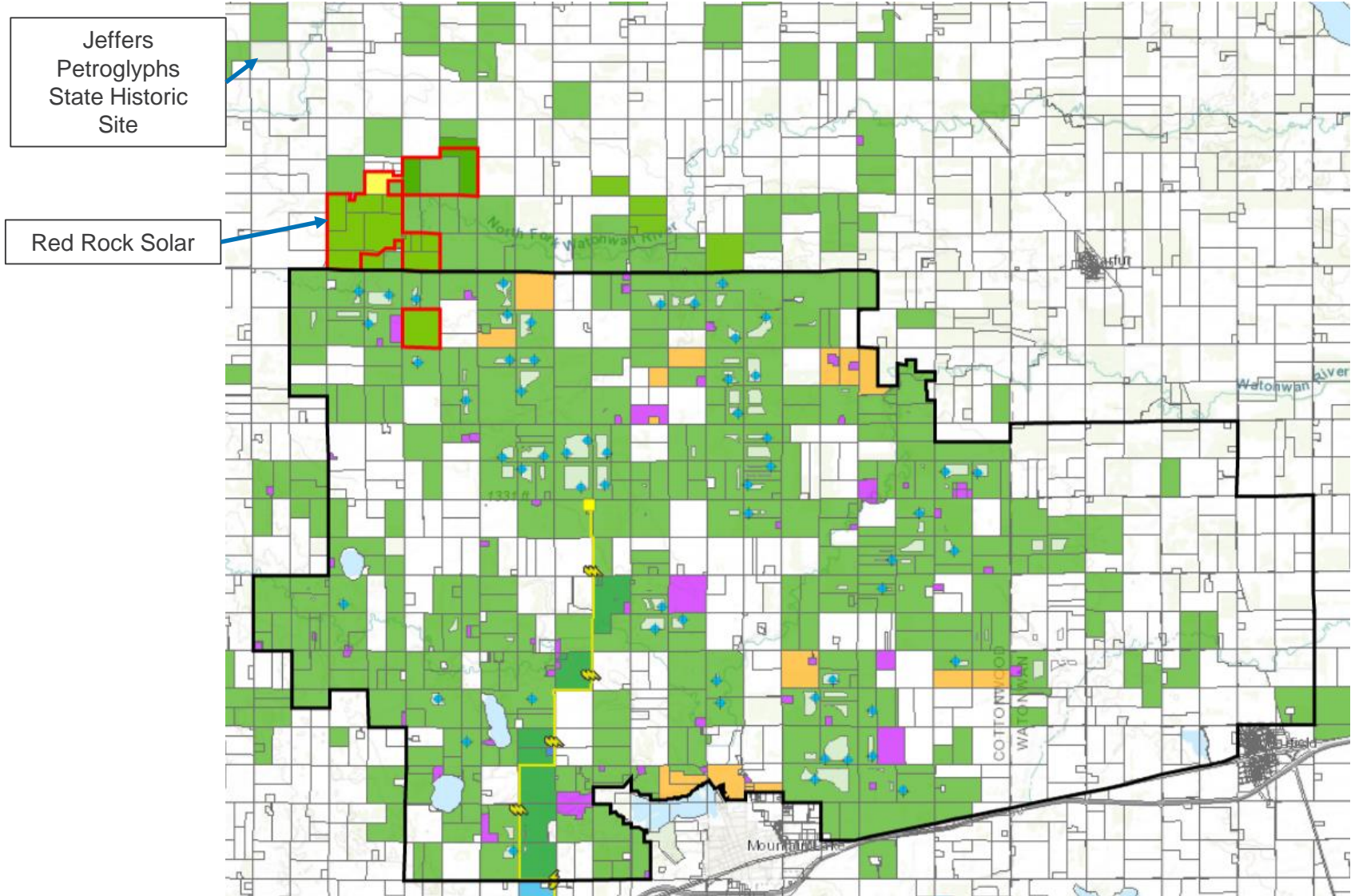


December 2019 Layout (most recent)

Jeffers
Petroglyphs
State Historic
Site



December 2019 Layout (most recent)






Lunch

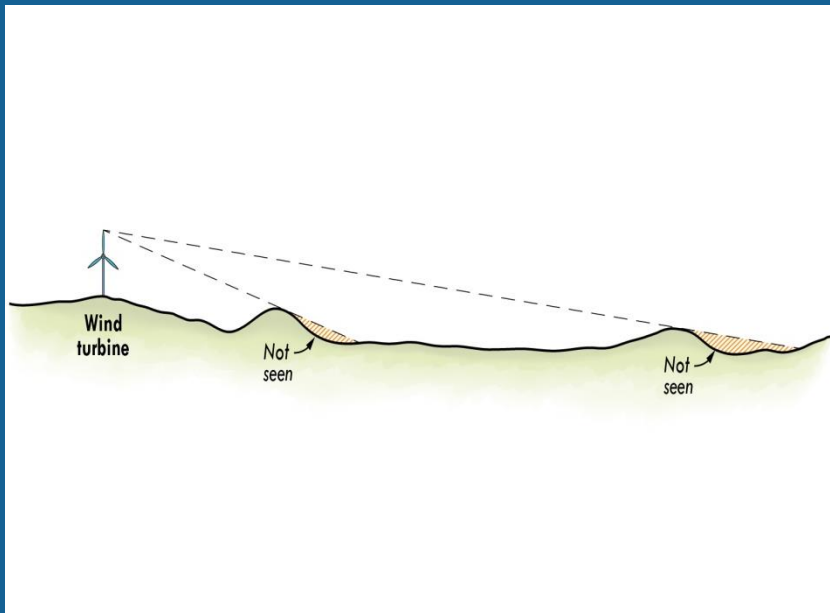
VISIBILITY OF THE PROPOSED BIG BEND WIND PROJECT IN THE VICINITY OF RED ROCK RIDGE AND JEFFERS PETROGLYPHS

**Mark Greenig
Jacobs
January 2020**

WHAT IS DETERMINED IN A VISIBILITY ASSESSMENT?

1. Determine where a proposed project would be seen (the viewshed).
 2. Identify specific sensitive viewing locations (where people have concern related to changes in a viewed landscape).
 3. Develop accurate photo-simulations of a proposed project.
 4. Describe changes to the viewed landscape.
- 
- A decorative graphic consisting of several parallel white lines of varying lengths and orientations, located in the bottom right corner of the slide.

DETERMINING AREAS WHERE WIND TURBINES WOULD BE POTENTIALLY SEEN

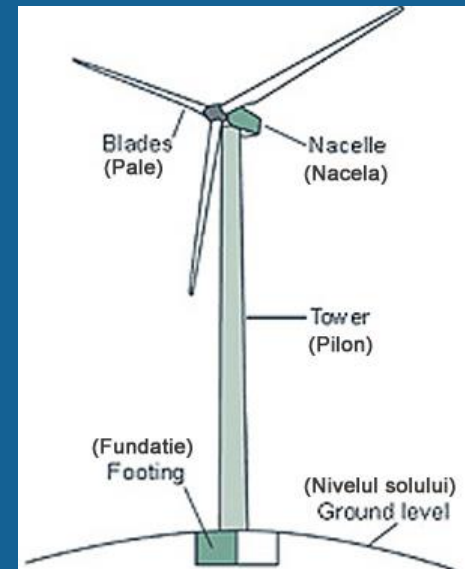


- ▶ The visibility assessment used a line-of-sight model based on topography.
- ▶ Visibility was measured from the top of the turbine blade at maximum rotation.
- ▶ View blockage by most vegetation and structures was not considered, nor were atmospheric conditions.

DETERMINING AREAS WHERE WIND TURBINES WOULD BE POTENTIALLY SEEN

We use geographic information system (GIS) staff to establish where a project would be potentially visible from.

For the preliminary project wind turbine layout we assumed that the height from the ground to the top of the wind turbine blade would be 570 feet.



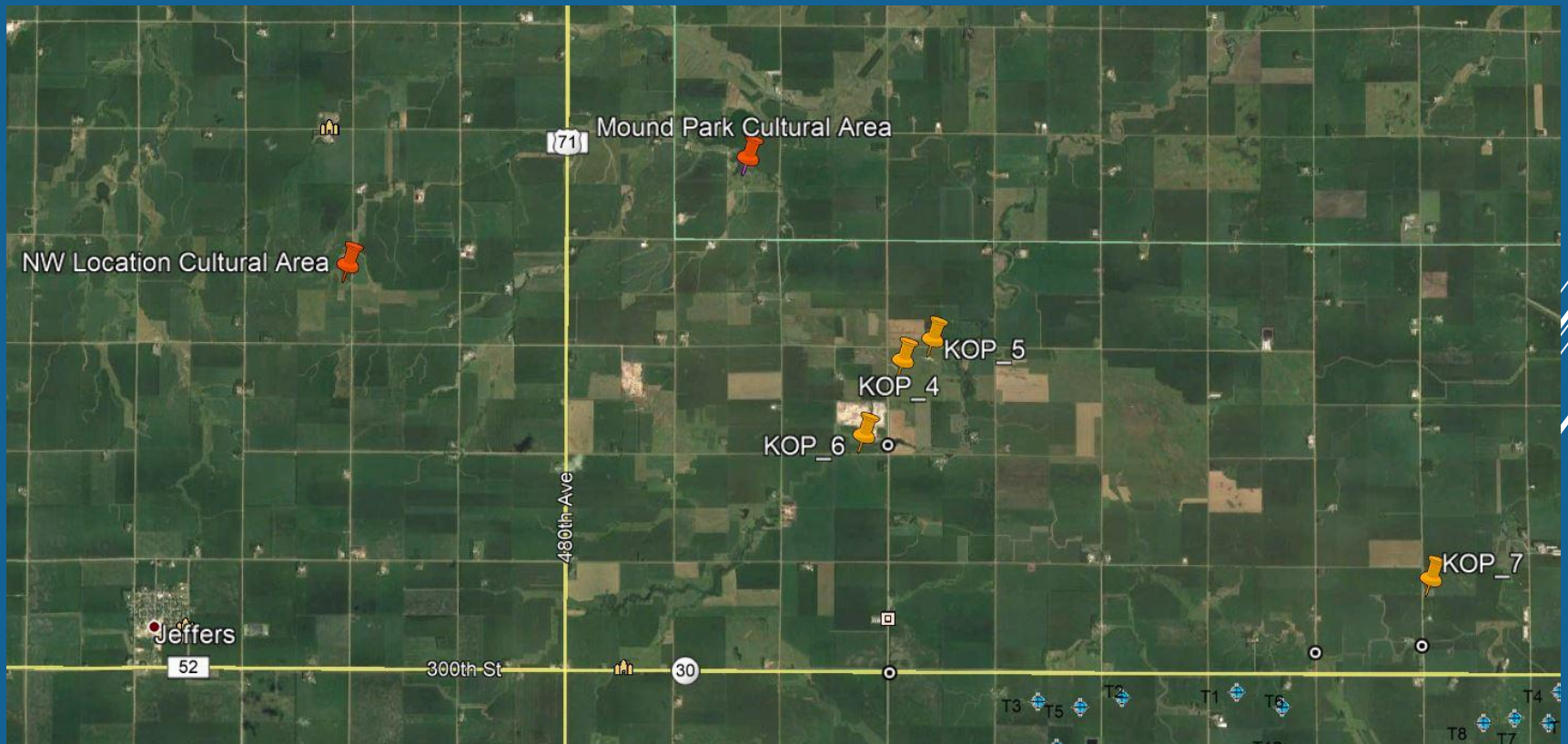
IDENTIFY SPECIFIC SENSITIVE VIEWING LOCATIONS

PRIOR TO THE JULY 17, 2019 MEETING 3 LOCATIONS AND 2 CULTURAL AREAS IN THE RED ROCK RIDGE AREA WERE VISITED TO DETERMINE THEIR POTENTIAL FOR EVALUATING THE PRELIMINARY JULY 2019 PROJECT WIND TURBINE LAYOUT.



IN LATE 2019 STAKEHOLDERS REQUESTED THAT APEX EXAMINE ADDITIONAL LOCATIONS TO ASSIST IN EVALUATING POTENTIAL PROJECT VISIBILITY.

FOUR NEW LOCATIONS (ORANGE PINS) THAT ARE ALSO CALLED KEY OBSERVATION POINTS (KOPS) AND TWO NEW CULTURAL AREAS (RED PINS) WERE EXAMINED.



**KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS
VISITORS CENTER - EXISTING PANORAMIC VIEW
WIDER THAN THE HUMAN VIEW CONE**



KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS VISITORS CENTER - WITH PROJECT PANORAMIC VIEW
NOT AN ACCURATE DEPICTION OF HUMAN VIEW CONE (AREA BETWEEN LINES REPRESENTS AREA SEEN IN HUMAN VIEW CONE)



**KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS
VISITORS CENTER - EXISTING PANORAMIC VIEW
WIDER THAN THE HUMAN VIEW CONE**



KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS VISITORS CENTER. EXISTING VIEW.



Existing visual elements dominance.

- sky
- parking area
- field
- building
- masses of trees
- silos
- distant wind turbines

KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS VISITORS CENTER. PHOTO-SIMULATION OF JULY 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 2 MILES AWAY).



July 2019 layout visual dominance

- sky
- project turbines
- parking area
- field
- building
- masses of trees
- silos
- distant turbines

KOP 1: PARKING LOT/ENTRANCE TO JEFFERS PETROGLYPHS VISITORS CENTER. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 3.25 MILES AWAY).



December 2019 layout visual dominance

- sky
- parking area
- field
- project turbines
- building
- masses of trees
- silos
- distant turbines

KOP 2: BOARDWALK AT JEFFERS PETROGLYPHS. EXISTING VIEW.



Existing visual elements
dominance.

- prairie
- sky
- masses of trees
- path
- deck and bench

KOP 2: BOARDWALK AT JEFFERS PETROGLYPHS.
PHOTO-SIMULATION OF JULY 2019 PROJECT LAYOUT
(CLOSEST TURBINE APPROXIMATELY 2 MILES AWAY).



July 2019 layout visual dominance.

- prairie
- sky
- project turbines
- masses of trees
- path
- deck and bench

**KOP 2: BOARDWALK AT JEFFERS PETROGLYPHS. PHOTO-SIMULATION
OF DECEMBER 2019 PROJECT LAYOUT
(CLOSEST TURBINE APPROXIMATELY 3.25 MILES AWAY).**



December 2019 layout visual dominance.

- prairie
- sky
- masses of trees
- path
- project turbines
- deck and bench

KOP 3: NATURE CONSERVANCY PROPERTY RIDGETOP EAST OF JEFFERS PETROGLYPHS. EXISTING VIEW.



Existing visual elements dominance.

- prairie
- sky
- masses of trees
- edge of outcropping
- distant wind turbines

KOP 3: NATURE CONSERVANCY PROPERTY RIDGETOP EAST OF JEFFERS PETROGLYPHS. PHOTO-SIMULATION OF JULY 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 1.5 MILE AWAY).



July 2019 layout visual dominance.

- prairie
- project turbines
- sky
- masses of trees
- edge of outcropping
- distant turbines

KOP 3: NATURE CONSERVANCY PROPERTY RIDGETOP EAST OF JEFFERS PETROGLYPHS. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT. (CLOSEST TURBINE APPROXIMATELY 2 MILE AWAY).



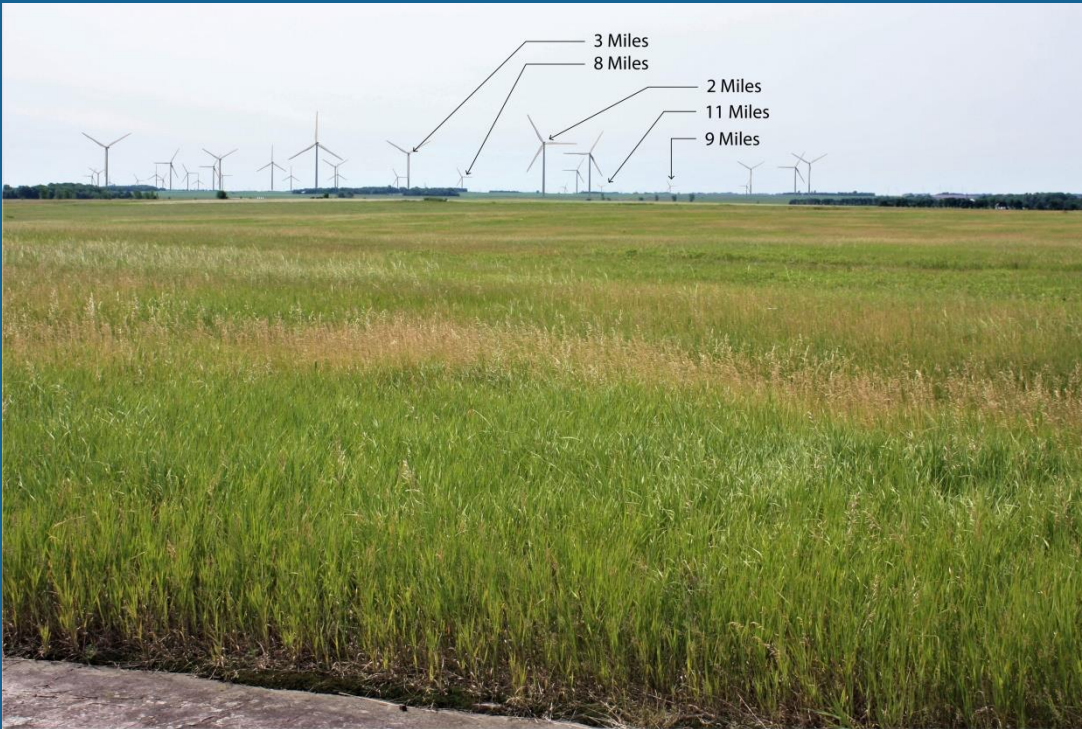
December 2019 layout visual dominance.

- prairie
- project turbines
- sky
- masses of trees
- edge of outcropping
- distant turbines

KOP 3: NATURE CONSERVANCY PROPERTY RIDGETOP EAST OF JEFFERS PETROGLYPHS. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT (INCLUDING SOLAR FACILITIES).



KOP 3: NATURE CONSERVANCY PROPERTY RIDGETOP EAST OF JEFFERS PETROGLYPHS. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT. (TURBINES AT 2, 3, 5 AND 8 MILES AWAY)



KOP 4 (NEW): JEFFERS PETROGLYPHS ASTRONOMICAL EDUCATION FACILITY. EXISTING VIEW.



Existing visual elements dominance.

- prairie
- sky
- silos
- masses of trees

KOP 4 (NEW): JEFFERS PETROGLYPHS ASTRONOMICAL EDUCATION FACILITY. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 3.25 MILES AWAY).



December 2019 layout visual dominance.

- prairie
- sky
- project turbines
- masses of trees
- silos

KOP 5 (NEW): JEFFERS PETROGLYPHS HIGHEST POINT. EXISTING VIEW.



Existing visual elements dominance.

- outcropping
- prairie
- sky
- masses of trees
- snow in fields
- silo

KOP 5 (NEW): JEFFERS PETROGLYPHS HIGHEST POINT. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 3.25 MILES AWAY).



December 2019 layout visual dominance.

- outcropping
- prairie
- project turbines
- sky
- masses of trees
- snow in fields
- silo

**KOP 6 (NEW): 280TH STREET NEAR RED ROCK QUARRY.
EXISTING VIEW.**



**Existing visual elements
dominance.**

- roads
- field
- sky
- snow
- masses of trees

KOP 6 (NEW): 280TH STREET NEAR RED ROCK QUARRY. PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT (CLOSEST TURBINE APPROXIMATELY 3 MILES AWAY).



December 2019 layout visual dominance.

- roads
- field
- project turbines
- sky
- snow
- masses of trees

KOP 7 (NEW): CULTURAL SITE EAST OF PROJECT BOUNDARY. EXISTING VIEW.



Existing visual elements dominance.

- field and grass
- sky
- trees and barn on right
- masses of trees

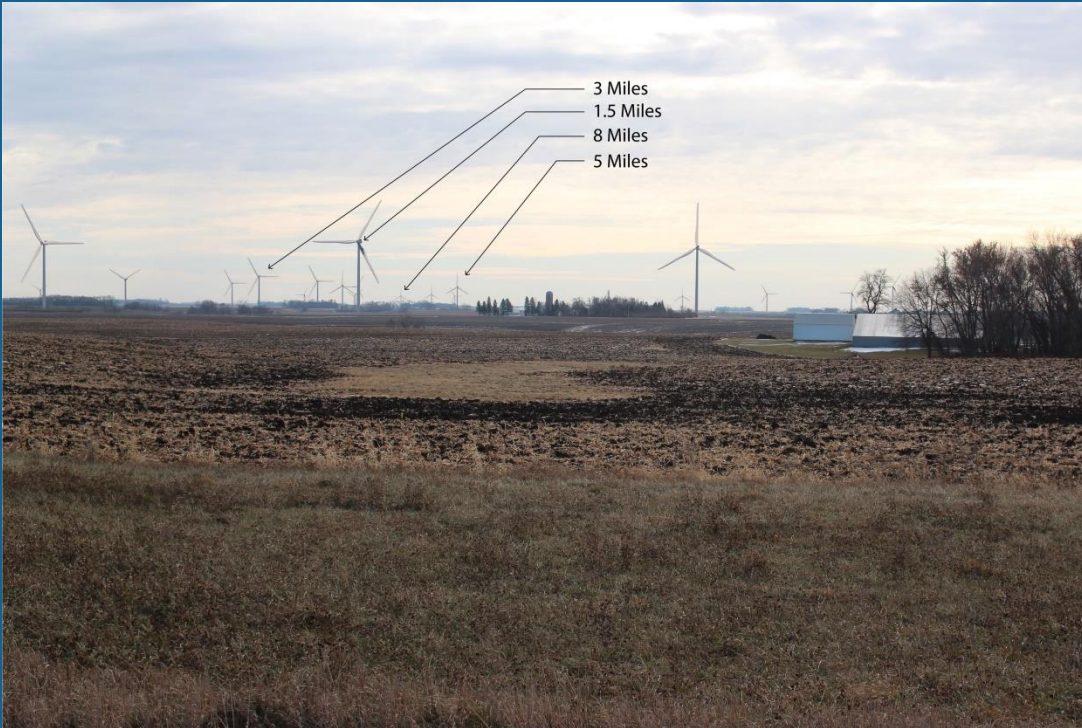
**KOP 7 (NEW): CULTURAL SITE NORTH OF PROJECT BOUNDARY.
PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT.
(CLOSEST TURBINE APPROXIMATELY 1.5 MILE AWAY).**



December 2019 layout visual dominance.

- field and grass
- project turbines
- sky
- trees and barn on right
- masses of trees

**KOP 7 (NEW): CULTURAL SITE EAST OF PROJECT BOUNDARY.
PHOTO-SIMULATION OF DECEMBER 2019 PROJECT LAYOUT.
(TURBINES AT 2, 3, 5 AND 8 MILES AWAY)**





Discussion

Thank You



Please do not hesitate to contact us for more information.

Ryan Henning, Environmental Permitting | (303) 807-2429 | ryan.henning@apexcleanenergy.com

Brenna Gunderson, Development | (434) 326-2929 | brenna.gunderson@apexcleanenergy.com

Max Jabrixio, Public Engagement | (612) 568-8527 | max.jabrixio@apexcleanenergy.com

Big Bend Wind Farm
 Unanticipated Discoveries Plan
 Comment Response Matrix

COMMENTS	DATE	COMMENT	RESPONSE
Rosebud Sioux Tribe – THPO Ben Rhodd	2/14/20	Requested time to review the email that was sent regarding the drafting process and provide input on the draft.	Quality Services Inc. (QSI) will include Rosebud Sioux on the draft UDP for comments and input once it is created.
Ponca Tribe of NE – THPO Nick Mauro	2/14/20	Requested to be informed of other tribes’ input and comments before the Unanticipated Discoveries Plan (UDP) is drafted. Requested to review the draft UDP written process when it is created.	QSI shared all input received to date regarding this process document; this was sent to all 5 tribes that requested involvement in drafting via email on 2/26/20. Ponca Tribe of NE will be included on draft UDP for comment once it is created.
Sisseton Wahpeton Oyate – THPO Dianne Desrosiers	2/14/20	On the Dakota Range III wind project for which QSI performed cultural and archaeological work, the monitoring plan and UDP were combined into a single document. Sisseton Wahpeton agreed with this simplified but thorough process. Recommended that Minnesota Indian Affairs Council and/or a local Minnesota Dakota tribe take the lead on this process.	QSI will incorporate elements of monitoring into the first draft of this document for comment by other tribes. Lower Sioux THPO Cheyanne St. John has provided a foundational framework for this draft, and also facilitated input from Lower Sioux President Robert Larsen (who serves as MN Indian Affairs Council Chairman).
Lower Sioux – THPO Cheyanne St. John	2/24/20	Lower Sioux will provide foundational input and framework for the draft by February 27.	
Upper Sioux – THPO Samantha Odegard	2/24/20	Defer to other tribes’ previous pre-draft comments. Would like to review and comment if changes are needed on the draft.	Upper Sioux will be included on draft UDP for comment once it is created.
Lower Sioux – THPO	2/27/20	Provided the following suggested framework for the	QSI will create a draft UDP based on

Big Bend Wind Farm
Unanticipated Discoveries Plan
Comment Response Matrix

COMMENTER	DATE	COMMENT	RESPONSE
Cheyanne St. John		<p>draft document:</p> <p>Plan for Unexpected Discovery of Human Remains In the event that human remains or other indications of burials are discovered during monitoring or project survey, Lower Sioux Indian Community proposed the following steps to be carried out.</p> <ol style="list-style-type: none"> 1. All ground-disturbing activities will cease in the area where any indications of burials are discovered as well as in the immediately adjacent project area. The area will be secured. 2. All suspected human remains and associated funerary objects shall remain in place, with minimal disturbance while verified and determined to be of archaeological or modern origin. 3. The contractor will immediately notify local law enforcement authorities and Apex? of the discovery. Upon receipt of this notice from the contractor, Apex shall notify the Office of the State Archaeologist within 24 hours and update consulting Tribes. 4. Apex and QSI will work with the Office of the State Archaeologist (OSA) (who in turn will contact the Minnesota Indian Affairs Council if appropriate) to perform any necessary tribal consultation. 5. Apex and QSI will develop a reburial plan in consultation with participating/consulting Tribes, the OSA, the MnSHPO, prior to ground-disturbing work being allowed to proceed in the area of discovery. Apex will ensure that the terms of any 	this framework.

Big Bend Wind Farm
Unanticipated Discoveries Plan
Comment Response Matrix

COMMENTS	DATE	COMMENT	RESPONSE
		<p>reburial plan are fully implemented.</p> <p>6. QSI will record, document and evaluate the National Register eligibility of sites in accordance with 36 CFR 800. If eligible sites are identified, QSI, in consultation with the MnSHPO and participating Tribes, will design a plan for avoiding or mitigating any adverse effect prior to resuming ground-disturbing work in the area of discovery.</p>	
Lower Sioux President, MN Indian Affairs Council Chairman Robert Larsen	2/27/20	Minnesota Indian Affairs Council should be included in step #3 of the suggested framework to be notified along with the Office of the State Archaeologist.	QSI will update the draft UDP to incorporate this suggestion.

Big Bend Wind Farm
Unanticipated Discoveries Plan
Comment Response Matrix

COMMENTS	DATE	COMMENT	RESPONSE



EXHIBIT N

Big Bend Wind Project, Jeffers Petroglyphs

January 28, 2020 Meeting Summary

Meeting Attendees:

- Samantha Odegard, Upper Sioux Indian Community THPO
- Drew Brockman, Upper Sioux Indian Community TCS
- Garrie Kills a Hundred, Flandreau Santee Sioux Tribe THPO
- Monte Lovejoy, Flandreau Santee Sioux Tribe Assistant THPO
- Nick Mauro, Ponca Tribe of Nebraska THPO
- Cheyanne St. John, Lower Sioux Indian Community THPO
- Kevin O'Keefe, Lower Sioux Indian Community Council Member
- Ben Rhodd, Rosebud Sioux Tribe THPO
- Charles Broste, archeologist at Jeffers Petroglyph site, member of Red Rock Ridge Research Group
- David Briese, MN Historical Society On-Site Manager, Jeffers Petroglyphs
- Brenna Gunderson, Apex Clean Energy
- Ryan Henning, Apex Clean Energy
- Dylan Ikkala, Apex Clean Energy
- Max Jabrixio, Apex Clean Energy
- Bipin Thapa, Apex Clean Energy
- Reid LeBeau, Apex consultant
- Cliff Barker, Apex consultant
- Lance Rom, Quality Services Incorporated
- Reuben Weston, Quality Services Incorporated
- Jeffrey Larsen, Quality Services Incorporated

Video Conference attendees:

- Leonard Wabasha, Shakopee Mdewakanton Sioux Community Director of Cultural Resources
- Stephen Albrecht, Shakopee Mdewakanton Sioux Community
- Elsie Whitehorn, Otoe-Missouria Tribe THPO

Notes Prepared by: Apex Clean Energy

Date: *February 4, 2019*

EXHIBIT N

On January 28, 2020, Apex Clean Energy (“Apex”) met with representatives of 7 tribes (5 in person and 2 by teleconference), along with tribal liaisons and archaeologists from Quality Services Incorporated (“QSI”), and professionals from the Minnesota Historical Society (MHS) and Jeffers Petroglyphs Historic Site (Jeffers) to discuss the Big Bend Wind and Red Rock Solar Projects (“project”), share the latest project plans and additional information that was previously requested, and collect further feedback and commentary from tribes with connections to the area. Thirty-one tribes were invited to attend the meeting by an invitation that was sent via mail on January 7, with follow up invitation calls made by Reuben Weston of QSI the following week.

Meeting Summary

The meeting began with a prayer by Ben Rhodd (Rosebud Sioux Tribe [RST]).

Attendees introduced themselves, and briefly shared their backgrounds. Brenna Gunderson (Apex) then shared goals for the meeting, including sharing changes that have been made to project design based on previous rounds of feedback, and collecting additional comments. Brenna reiterated the importance of continued communication throughout the process. The following is a summary of information presented by Apex and QSI about the project.

Dylan Ikkala (Apex) shared additional information about the project, including:

- Goal of minimizing impacts to tribally sensitive areas and learning from tribal representatives about those areas.
- Apex’s focus is on sustainable energy and moving away from fossil fuels with a goal of committing to clean energy.
- The proposed transmission line to the south of the project.
 - Some clarifying questions about the transmission line were asked. A map was shown, included in the meeting slides. Dylan clarified that the transmission line will be overhead, but that lines within the project boundary will be underground. Clarified that level III cultural surveys have not been completed for the transmission line yet, and all survey work to date has been done with tribal input and participation, which will continue in spring.
 - Ben (RST) mentioned that some other projects have taken place where tribes are not involved until after archaeological work has been completed, and that it was positive that this project is involving tribes during this work.
- David Briese (Minnesota Historical Society [MHS]) asked when pre-construction work would begin (ex: road work, bringing in materials). Brenna said this is expected in 2022, or possibly as early as late 2021.

Ryan Henning (Apex) reviewed information from fall 2019 cultural surveys, including tests conducted, acreage completed, and Apex’s plans for avoidance and protection. Ryan also shared plans for recording information relating to traditional cultural properties (TCPs), and asked for input on the sharing of recorded information.

- Lance Rom (QSI) stated that fieldwork would resume in April pending field conditions and completion of final design.
- Lance also reiterated that we will need to survey all roads, laydown yards, transmission lines, and other areas proposed to contain project facilities.

EXHIBIT N

- Ben (RST) requested a map of all disturbed ground within the overall project area.
 - QSI will share a map with this information.
- Ben asked who will record and evaluate sites, and suggested that THPOs should be involved in this evaluation.
 - A meeting will be held to discuss site evaluations during or after spring 2020 surveys; late May was suggested as an ideal time.
 - Samantha Odegard (Upper Sioux) stated that they may not share all information with Apex, and that they may need to bring elders to sites for evaluation.
- Cheyenne St. John (Lower Sioux) stated that she wants to give the State Historical Preservation Office (SHPO) borders for TCPs with some level of context, but not much information on the TCPs. She advised that Apex follow SHPO guidelines for submission of TCP information.
 - Cheyenne requested to review these reports before they are sent to SHPO.
 - QSI agreed to provide draft reports including forms for review.
 - Ben requested that TCPs outside of the project boundary not be shared with the SHPO in anyway, with that information only being shared with THPOs.
 - Drew requested that TCP information not be shared with landowners due to concern that cultural sites could be disturbed or destroyed. Apex confirmed that this information hasn't been shared with landowners.
 - Drew asked if tribal cultural specialists would be able to revisit sites and Lance responded that this can be arranged as long as the land remains under lease with the project.
- Ben mentioned the importance of process relating to unanticipated finds, and suggested that THPOs be involved in the development of an "Unanticipated Cultural Resource Finds Process Document."
 - QSI and Apex committed to involve THPOs in the development of this process document.
- Cheyenne made an official request that all who attend the meeting receive a copy of the PowerPoint presentation. Apex confirmed they will send out the slides to both attendees and other THPOs who were not able to attend (*included along with these meeting notes*).

Max Jabrixio (Apex) shared information regarding project changes that have been made to date in response to feedback from tribes and other stakeholders. These include:

- Commitment to use Aircraft Detecting Lighting Systems (ADLS) so turbine lights are only on when an aircraft is in the vicinity of the project.
- Commitment to avoid all shadow flicker and audible noise at the Jeffers Petroglyphs.
- Inclusion of suggested survey methodology from tribes and tribal participation in all cultural and archaeological surveys.
- Shifting of project boundary and turbine layout to increase distance and lessen visual impacts.
- Oral History Study was conducted with interviews of tribal elders.

EXHIBIT N

- Clarified that information from this study has not been shared with anyone and only would be shared with explicit permission from the THPOs. QSI will work with individual THPOs on protocol for how this information is stored.

Max shared maps of the previous project boundary and the newest project boundary, which has been shifted south to lessen visual impacts. Max also shared maps of the project's "buildable area", which show some of the legal requirements that restrict where turbines can be placed, and mentioned that these restrictions are one major factor that prevents turbine locations from being easily shifted. Visual simulations that were conducted from numerous locations at the request of tribes and MHS staff were shared, showing that the distance of the nearest turbines to the Jeffers Petroglyphs have been increased to just over 3.25 miles. Visual simulations also included one view of the proposed solar project, which for the purpose of the simulation was shown at a height of 20' tall (Apex believes 12' is the likely actual size, but modeled the maximum that it could potentially be).

- Dylan (Apex) added that in addition to what is shown on the "buildable area" map, Minnesota requires a 3x5 rotor diameter setback from all non-participating parcels. This setback is known as the Wind Access Buffer and is based on direction of the prevailing wind which further restricts this buildable area.
- Dylan clarified that since our project boundary has shifted south from taking tribal feedback into consideration, Apex has started to lease land in Watonwan County to give us the additional land needed for the full 335MW project size. The turbine layout shown does not include any turbines sited in Watonwan County at this time because we are still trying to lease land in that area.
- Kevin O'Keefe (Lower Sioux) stated that the Lower Sioux Community's position is that turbines should be no less than 8 miles away.
- Ben (RST) asked what the life expectancy of turbines is, and Brenna (Apex) responded the typical lifespan is 20-30 years. Brenna added that the leases extend up to 50 years maximum, and that Minnesota requires a decommissioning plan in place so that the turbines are removed at the end of the project.
 - Drew Brockman (Upper Sioux) stated his concern that turbines will have to be seen from the ridge for 50 years.
 - Garrie Kills a Hundred (Flandreau Santee Sioux Tribe [FSST]) asked to see the decommissioning plan for the removal of turbines. Dylan responded that Apex will be producing this for permit applications to the state and can share it with THPOs.
- Cheyanne stated that the viewshed remains the primary concern, that requests have been made for setbacks of 5, 8, and 10 miles, and that this layout doesn't address any of those.
- Samantha Odegard (Upper Sioux) stated their position remains that a minimum 5-mile buffer is necessary and that the starting point for this buffer should be the ridge, which includes any newly discovered petroglyph sites.
- David Briese stated that he feels Apex is treating the cultural resource as less important than the restrictions Dylan mentioned.
- Several clarifying questions were asked regarding the Apex timeline for reaching out to tribes and other stakeholders. Dylan responded that Apex first began contacting landowners in December 2017, and first contacted tribes in spring of 2018, subsequently holding meetings with THPOs in September 2018 and July 2019.

EXHIBIT N

- Ben suggested that the project rely more heavily on solar and reduce the number of turbines, and that something closer to a 50/50 mix would be preferable.
 - Samantha and Garrie agreed but both said they would need to consult with other tribal members before making that an official position.
 - Dylan shared that Apex is not expecting the nameplate capacity of the solar project to exceed 100 MW, and that the solar project would not be built without the wind project due to the high costs of the overhead transmission line needed for this project.
- Ben requested that an engineer be present at the next meeting to answer questions about turbine placement.
- Ben returned to the question of the meeting to discuss site evaluations, spring surveys, and other next steps, suggesting the third week of May.

Max Jabrixio (Apex) thanked attendees for their engagement and valuable input, and reiterated that next steps would be sent in the meeting summary.

- Apex will send out a meeting summary, along with the slides presented during this meeting (this document)
- Apex's current plan is to file application documents with the Minnesota PUC by June 2020.
- Cultural surveys will continue in the spring as soon as the ground thaws, hopefully in April 2020. QSI will communicate more detailed timelines and plans as soon as they are known.
 - QSI will begin a draft Unanticipated Cultural Resource Finds Process Document and share this with THPOs for input.
- A follow-up meeting to discuss spring survey work, site evaluations, and other project updates are anticipated in late May – possibly the 3rd week, pending availability and spring survey timeline.
- Apex will send monthly project updates to THPOs via email.

Ben Rhodd offered a closing prayer, and the meeting was adjourned.

For more information, please contact:

Max Jabrixio (Public Engagement) (612) 568-8527 | mjabrixio@apexcleanenergy.com

Reuben Weston (Tribal Liaison, QSI) (605) 407-1220 | rweston@qualityservices.us.com

Dylan Ikkala (Project Mgr.) (484) 364-9298 | dylan.ikkala@apexcleanenergy.com

Jennie Geiger (Environmental Perm.) (720) 320-9450 | jennie.geiger@apexcleanenergy.com

Brenna Gunderson (Director) (434) 326-2929 | brenna.gunderson@apexcleanenergy.com

EXHIBIT O

From: Max Jabrixio

Sent: Friday, March 6, 2020 5:22 PM

To: samanthao@uppersiouxcommunity-nsn.gov; leonard.wabasha@shakopeedakota.org; thpo@gondtc.com; j.eagle@standingrock.org; desjarlaisjr.jeffrey@yahoo.com; bill.quackenbush@hochunk.com; yst.thpo@gmail.com; ben.crawford@winnebagotribe.com; d.youpee@fortpecktribes.net; mblackwolf@ftbelknap.org; garrie.killsahundred@fsst.org; vrichey@c-a-tribes.org; steve.vance@crst-nsn.gov; Stevev.crstpres@outlook.com; cchistory@midstatesd.net; dianned@swo-nsn.gov; Ben Rhodd <brhodd1@yahoo.com>; kade.ferris@redlakenation.org; noah.white@piic.org; nmauro@poncatribene.org; ewhitehorn@omtribe.org; thomaslp99@yahoo.com; t.brings@oglala.org; teanna.limpy@cheyennenation.com; nathpodd@gmail.com; cbearing.nathpo@gmail.com; natalie.weyaus@millelacsband.com; dgrignon@mitw.org; pcoffey@mhanation.com; lowersiouxthpo@lowersioux.com; lfoster@iowas.org; staci.hesler@ponca.com

Cc: Brenna Gunderson <brenna.gunderson@apexcleanenergy.com>; Lance Rom <lrom@qualityservices.us.com>; Reuben Weston <rweston@qualityservices.us.com>; Dylan Ikkala <dylan.ikkala@apexcleanenergy.com>; Jennie Geiger <jennie.geiger@apexcleanenergy.com>; Drew Christensen <drew.christensen@apexcleanenergy.com>

Subject: Big Bend Wind/Red Rock Solar project update

Greetings THPOs,

As promised, here is the first of our monthly project updates to keep you informed about our work and progress in the development of Big Bend Wind and Red Rock Solar in Cottonwood and Watonwan Counties in Minnesota.

The past month, we've made progress on several ongoing items that were discussed at our January meeting.

1. Unanticipated Discoveries Process (UDP) Document
 - a. Drafting of this process document has begun, with input from several tribes. Lower Sioux THPO Cheyenne St. John provided the foundational framework for this draft document.
 - b. For more details on the full scope of feedback, please see Reuben Weston's email with a recap of the input received (please contact Reuben if you haven't received this and desire to give input in that process).
 - c. The next step for the development of the UDP document will be a draft written by QSI and based on the framework provided by Lower Sioux, which will be sent to THPOs who have indicated they'd like to give feedback.
2. Spring field work and surveys
 - a. At the request of Lower Sioux, QSI will organize a teleconference to be held before dates are set for spring field work to discuss methodology, expectations, information sharing, and the reporting process. Lance and Reuben will follow up soon with more information.
 - b. If weather allows, we hope to begin field work in early April.
3. Leasing additional land.
 - a. The team continues to make progress in our outreach to landowners in the indicated area of Watonwan County, to give us some additional turbine locations to help achieve our desired nameplate capacity for the project.

EXHIBIT O

- b. The team has also made significant progress in signing the land needed for the project's overhead transmission line, and land signing for the route is nearing completion.
 4. Power Marketing
 - a. The Apex team is actively marketing the project to potential power purchasers, and is continuing to promote the solar component as well.

Thanks for your continued input and participation in the project, and please don't hesitate to reach out if you have any questions.

Sincerely,

Max

MAX JABRIXIO

Public Engagement Manager

Apex Clean Energy, Inc.

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EXHIBIT P

From: [Max Jabrixio](#)
To: [Samantha Odegard](#); leonard.wabasha@shakopeedakota.org; thpo@gondtc.com; i.eagle@standingrock.org; desjarlaisjr.jeffrey@yahoo.com; bill.quackenbush@ho-chunk.com; yvt.thpo@gmail.com; ben.crawford@winnebagotribe.com; d.youpee@fortpecktribes.net; mblackwolf@ftbelknap.org; garrie.killsahundred@fsst.org; vrichey@c-a-tribes.org; steve.vance@crst-nsn.gov; Stevve.crstpres@outlook.com; cchistory@midstatesd.net; dianned@swo-nsn.gov; [Ben Rhodd](#); noah.white@piic.org; nmauro@poncatribene.org; ewhitehorn@omtribe.org; thomaslp99@yahoo.com; t.brings@oglala.org; teanna.limpy@cheyennenation.com; nathpodd@gmail.com; cbearing.nathpo@gmail.com; natalie.weyaus@millelacsband.com; dgrignon@mitw.org; pcoffey@mhanation.com; lowersiouxthpo@lowersioux.com; lfoster@iowas.org; staci.hesler@ponca.com
Cc: [Brenna Gunderson](#); [Dylan Ikkala](#); [Lance Rom](#); [Reuben Weston](#); [Jennie Geiger](#); [Drew Christensen](#)
Subject: Big Bend Wind/Red Rock Solar project update
Date: Wednesday, April 8, 2020 9:49:13 AM
Attachments: [image001.png](#)

Greetings THPOs,

This month's project update for Big Bend Wind and Red Rock Solar in Cottonwood and Watonwan counties, MN, is below. This comes at a time when all of us face growing uncertainty and challenges due to the COVID-19 pandemic impacting every aspect of society. While development of these renewable energy projects continues, our team is making a number of adjustments to our work to prioritize the health and safety of our team and the broader community. Please read on for the latest news on our projects and our current plans for continuing work during this difficult time.

April Update

1. **Spring Cultural Surveys** will be postponed until it is once again safe and prudent for field teams to return to working in groups. We are hopeful that we will be able to resume in the fall of 2020, and we will continue to keep you apprised of our plans and any relevant guidance we receive from state officials.
 - a. We expect this will mean that project applications will be submitted into the Minnesota state permitting process before cultural surveys have been completed. Results of these surveys will be submitted to the Department of Commerce for inclusion in the permit application once completed (which will happen prior to final permit approval).
2. **The Unanticipated Discovery Plan** drafting process is still ongoing, and QSI will be sharing the first draft of this soon. We know that some THP offices are currently closed due to COVID-19 and we will allow extra time for review and input on this draft to help ensure THPOs have a reasonable opportunity to weigh in on this process.
3. **Leasing of land** in Watonwan County is actively continuing in order to maximize our optionality for siting turbines.

We wish you and your communities good health, and thank you again for all your time and input as we work toward developing clean energy in Minnesota.

Sincerely,
Max Jabrixio

MAX JABRIXIO
Public Engagement Manager

Apex Clean Energy, Inc.
8665 Hudson Blvd North, Suite 110
Lake Elmo, MN 55042
Office: 612-260-6610 | cell: 727-515-0993 | fax: 612-315-1519

EXHIBIT P

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EXHIBIT Q

From: [Max Jabrixio](#)
To: samanthao@upperSiouxcommunity-nsn.gov; leonard.wabasha@shakopeedakota.org; thpo@gondtc.com; j.eagle@standingrock.org; desjarlaisjr.jeffrey@yahoo.com; bill.quackenbush@ho-chunk.com; yvt.thpo@gmail.com; ben.crawford@winnebagoTribe.com; d.youpee@fortpecktribes.net; mblackwolf@ftbelknap.org; garrie.killsahundred@fsst.org; vrichey@c-a-tribes.org; steve.vance@crst-nsn.gov; Stevv.crstpres@outlook.com; cchistory@midstatesd.net; dianned@swo-nsn.gov; Ben.Rhodd; noah.white@piic.org; nmauro@poncatrbe-ne.org; ewhitehorn@omtribe.org; thomasip99@yahoo.com; t.brings@oglala.org; teanna.limpy@cheyennenation.com; nathpodd@gmail.com; cbearing.nathpo@gmail.com; natalie.weyaus@millelacsband.com; dgrignon@mitw.org; pcoffey@mhanation.com; lowersiouxthpo@lowersioux.com; lfoster@iowas.org; staci.hesler@ponca.com
Cc: [Brenna Gunderson](#); [Dylan Ikkala](#); [Lance Rom](#); [Jennie Geiger](#); [Drew Christensen](#)
Subject: Big Bend Wind May Project Update
Date: Friday, May 1, 2020 5:51:26 PM
Attachments: [RedRockSolar ProjectMap 042220OR.PDF](#)
[image001.png](#)

Greetings THPOs,

This month's project update for Big Bend Wind and Red Rock Solar in Cottonwood and Watonwan counties, MN, is below. Please read on for the latest news on our projects and our current plans for continuing work during this difficult time.

May Update

1. **Limited Spring Field Work** will resume on new areas being considered for solar facilities as part of the Red Rock Solar project. QSI anticipates starting this work during the week of May 4th.
 - a. The map attached to this email shows the boundary for the new solar area being surveyed. The majority of the remaining survey work, for linear facilities and wind turbine locations, is still expected to take place in fall of 2020.
 - b. We know this is a difficult time for many THPO offices but welcome limited participation if you do have staff who are able to participate. Quality Services Inc. (QSI) is putting in place a number of precautions and safety measures to ensure that field work minimizes the risk related to COVID-19 for all staff and consultants on the ground. To minimize the number of people on the ground, QSI is requesting that only one Tribal Cultural Specialist (TCS) represent each tribe that is sending staff.
 - c. Upper Sioux has confirmed participation so far. Please contact me or Reuben Weston (cced) if you or your staff would like to participate.
2. **The Unanticipated Discovery Plan** draft has been sent out by QSI for your review and input. Please refer to that email for details and to provide suggestions or comments.
3. **The next group meeting** will likely need to happen virtually given the restrictions and precautions in place in Minnesota and in many tribal communities. We do still expect to be able to show THPOs the final revision to our project layout in late May or early June via videoconference. Details are still to be determined, but if you have particular dates that are unavailable, please let me or Reuben know so that we can do our best to accommodate all schedules.

We wish you and your communities good health, and thank you again for all your time and input as we work toward developing clean energy in Minnesota.

Sincerely,
Max Jabrixio

MAX JABRIXIO
Public Engagement Manager

EXHIBIT Q

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