

Appendix C

Agency Correspondence

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Appendix C-1

Size Determination Form and Response

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Minnesota Statute § 216E.021 requires combining proposed solar energy generating systems for permitting purposes when certain conditions exist. The Department of Commerce requires the information requested below to determine 1) whether proposed solar energy generating systems meet the definition of a large electric power generating plant and, therefore, are subject to the Public Utilities Commission's siting authority; or 2) whether large electric power generating plants that are solar energy generating systems should be combined for permitting purposes. Based on the information provided, Commerce staff may require additional information to make a determination.

Instructions: Answer each question completely. Each question and answer must be clearly identified. Attach maps and supporting information as necessary. Return the signed and dated information to:

Ray Kirsch

Minnesota Department of Commerce

85 Seventh Place East, Suite 280

Saint Paul, MN 55101-2198

Phone: (651) 539-1841

Fax: (651) 539-0109

Email: raymond.kirsch@state.mn.us

Note: This form can be made available electronically, and submitted as an electronic document.

A. Project Description

Briefly describe the proposed project or projects, including name(s); need for the project(s); number of solar energy generating systems; alternating current nameplate capacity of the individual solar energy generating systems identified; and the combined alternating current nameplate capacity.

Coneflower Energy, LLC ("Coneflower") is proposing a solar energy conversion facility and associated facilities in Custer Township, Lyon County, Minnesota (the "Project"). The planned output for the Project is up to 235 megawatts ("MW") of alternating current nameplate capacity located on approximately 2,305 acres. Coneflower plans to construct the Project on a schedule that facilitates an in-service date in 2027.

The Project is needed to meet the growing demand for additional renewable resources needed to meet the Solar Energy Standard set forth in Minnesota Statutes and other clean energy requirements in Minnesota and neighboring states. An application for a Site Permit will be submitted to the Minnesota Public Utilities Commission for the Project.

B. Project Design and Location

Provide the following information regarding each solar energy generating system:

B-1. Describe the 1) solar generating equipment and associated facilities; 2) project boundary location(s) (county, township, and sections); 3) the area within the project boundary (acres); and 4) area within the project boundary that will be developed for the solar project (acres).

1) The Project's permanent facilities will include:

- Solar modules, inverters, and racking;
 - Security fencing;
 - Access roads as required;
 - A Project substation;
 - Operations and maintenance (O&M) building;
 - Meteorological stations;
 - On-site underground electrical collection and communication lines; and
 - Ancillary equipment or buildings as necessary.
- 2) The Solar Project Area includes approximately 2,305 acres in Sections 7, 16-22, and 27 in Custer Township (T109N R41W).
 - 3) The Project boundary includes approximately 2,305 acres.
 - 4) Coneflower currently anticipates utilizing most of the area within the Project boundary, except for areas that may be subject to applicable setbacks and public rights-of-way. A preliminary design is underway and is not currently available. The exact acres utilized will depend on final design.

B-2. Describe the anticipated point of electrical interconnection. Describe interconnection requests and the status of each request. Provide any assigned project or queue interconnection numbers.

The Project will interconnect to the Lyon County to Lake Yankton transmission line that bisects the northern portion of the Project Area. The Project filed for interconnection status on September 14, 2022 and is currently in DPP Phase 1 with Interconnection queue ID J3021 (DPP-2022-West). The Project is also uniquely positioned within one-half mile of Xcel Energy's proposed Garvin Substation, the terminus of the proposed Minnesota Energy Connection 345 kV transmission line. This transmission line is proposed to deliver new renewable energy to customers to replace retiring coal plants. In this early stage, both interconnection options are viable.

B-3. Provide a map showing the proposed facility boundary, the interconnection site, anticipated solar module layout, and associated facilities. "Associated facilities" includes access roads, operation and maintenance facilities, collector and feeder lines, and substations. Maps should be at 1:24,000 scale using an imagery basemap. The map must include a legend and scale bar.

The attached map provides the Project boundary and point of interconnect. A preliminary design is underway and is not currently available.

C. Project Characteristics

Provide the following information regarding each solar energy generating system:

C-1. List and describe the entity responsible for constructing the project.

A construction contractor has not been selected for the Project.

C-2. List and describe the entity responsible for operating and maintaining the project.

Coneflower will be responsible for operating and maintaining the Project.

C-3. Describe the ownership structure, sales agreement(s), interconnection(s), revenue sharing, debt or equity financing, and any other characteristics of the solar energy generating system. Include a statement indicating whether these characteristics are “independent” or “shared.” If shared, indicate with what existing or proposed project.

Coneflower is an indirect, wholly owned subsidiary of Apex Clean Energy Holdings, LLC (“Apex”). Apex is a renewable energy development company that will own and generate this facility.

Apex will seek a sales agreement for this facility independent of any other solar facility. The interconnection request for this Project is for 235 MW. At present, Apex does not have any plans to share revenue, debt, or equity financing from Coneflower with any other solar project.

C-4. Provide the anticipated schedule for completion, including dates for permitting, construction (start and end dates), and commercial operation.

Coneflower plans to file a site permit application in Q3 of 2024 so that it receives Commission approval of the Project in 2025. Construction is anticipated to begin in late 2025 with commercial operation by the end of 2027.

D. Applicant Information

D-1. Provide the name, address, email, and telephone number of the applicant and any authorized representative.

Coneflower Energy, LLC
c/o Apex Clean Energy, Inc.
Attention: General Counsel
120 Garrett Street, Suite 700
Charlottesville, VA 22902
(434) 220 – 7595
legal@apexcleanenergy.com

Representatives:

Garrick Valverde
Senior Development Manager

8665 Hudson Blvd. N., Ste. 200
Lake Elmo, MN 55402
Direct: 785-979-9701
Email: Garrick.valverde@apexcleanenergy.com

Christina K. Brusven
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Direct: 612.492.7412
Email: cbrusven@fredlaw.com

D-2. Provide the name, address, e-mail, and telephone number of the person or persons who would prepare the application to the Public Utilities Commission or to a Minnesota county or local unit of government, if such an application would be prepared by an agent or consultant of the applicant.

David Weetman
Westwood Professional Services
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343
Direct: 952-906-7419
Email: David.weetman@westwoodps.com

D-3. Briefly describe the applicant's business entity including its ownership and financial structure.

Coneflower is an indirect, wholly owned subsidiary of Apex, a utility-scale clean energy developer headquartered in Charlottesville, Virginia. Apex has developed wind and solar projects throughout the United States and currently has more than 7,003 MW of clean energy projects under construction or operational, and 8,735 MW that have been financed.

D-4. Provide the Minnesota Secretary of State organizational ID number for the applicant business entity, all subordinate entities, and all solar developer entities involved with the project.

Coneflower's Minnesota Secretary of State organizational identification number is 1318297800028. Apex does not have any other subordinate solar entities involved with the Project.

D-5. Identify and provide contact information for the person or persons who would be the permittees, if different than the applicant, if the solar energy generating systems were permitted by the Public Utilities Commission or a Minnesota county.

The permittee is Coneflower, who is also the applicant.

E. Other Projects in Minnesota

E-1. Identify any planned or existing solar energy generating system(s) in Minnesota in which the applicant, or a principal, partner, or affiliate of the applicant, has an ownership or other financial interest. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

Apex has also permitted the 50MW Red Rock Solar Project in Cottonwood County. The Project received Commission approval in September 2022. That project is a potential wind-solar hybrid project with the Big Bend Wind Project, which also received Commission approval in September 2022. Apex continues to explore PPAs and other off-take opportunities for both projects. Neither are under construction.

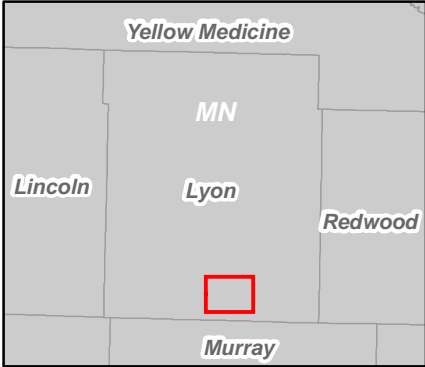
Neither Apex nor Coneflower own or operate existing solar energy generating facilities in Minnesota subject to the jurisdiction of the Minnesota Public Utilities Commission and no other solar projects are under development.

E-2. Identify any additional solar energy generating system(s) in Minnesota in which the applicant, or principal, partner, or affiliate of the applicant, has an ownership or other financial interest and is currently under construction or construction is planned to begin within 12 months of the proposed project(s) estimated completion date. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

Neither Apex nor Coneflower has an ownership or other financial interest in any additional solar generating system in Minnesota that is currently under construction or construction is planned to begin within 12 months of the Project's estimated completion date.

E-3. Identify any planned or existing solar energy generating system(s) in Minnesota which that shares any of the following with the proposed project: power purchase agreement, interconnection, sales, revenues, debt or equity financing, or other ownership or financial interests. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

Neither Apex nor Coneflower has any planned or existing solar energy generating systems in Minnesota that share a power purchase agreement, interconnection, sales, revenues, debt or equity financing with the proposed Project.

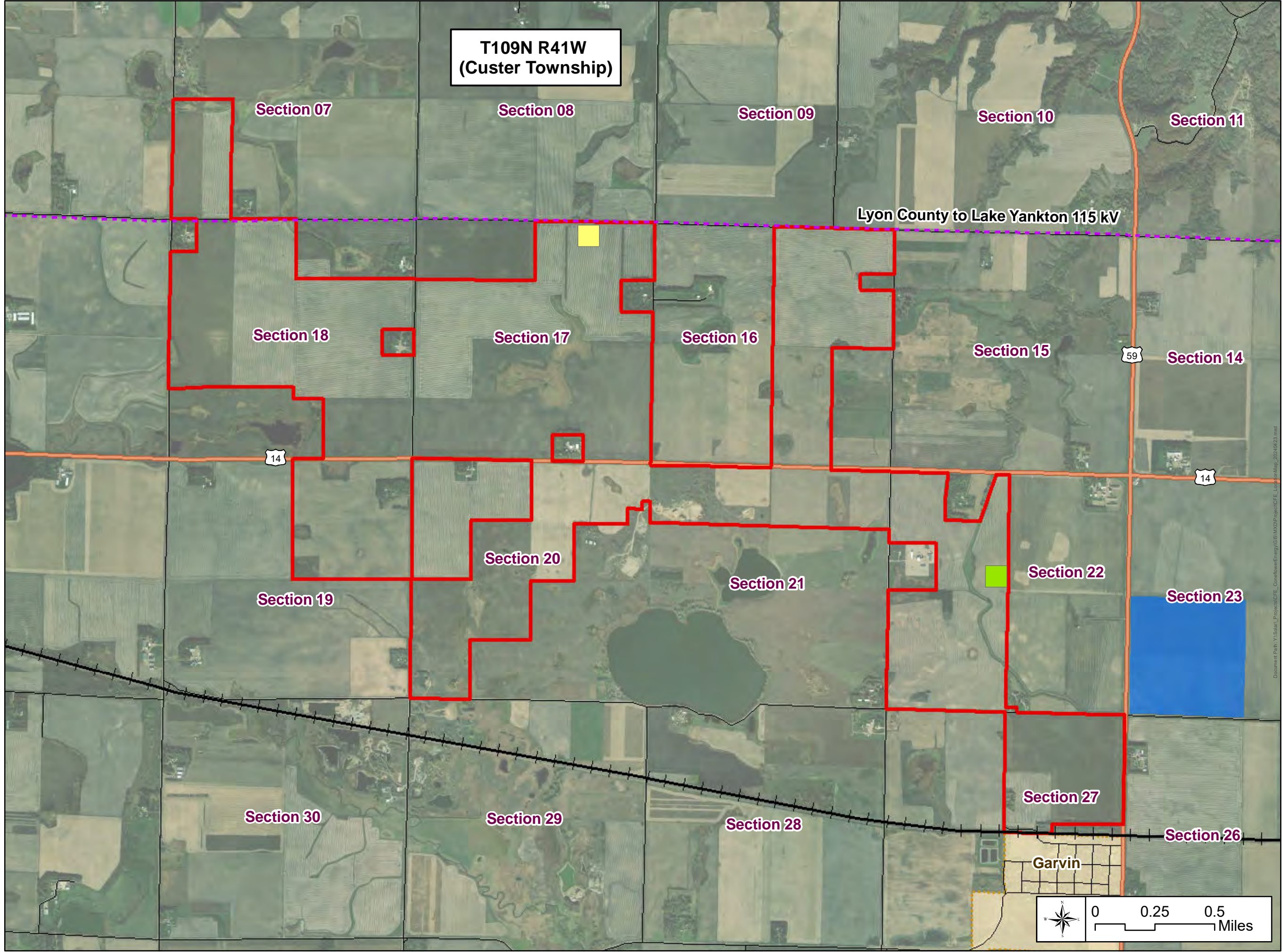


**Coneflower Energy, LLC
Lyon County, MN
Project Location**

- Project Boundary
- Project Substation (MISO POI)
- Project Substation (Garvin POI)
- Proposed Garvin Substation
- Lyon County to Lake Yankton 115 kV Line
- Railroad
- Highways
- Streets
- Municipalities

All facilities and features on this map are preliminary and subject to final Engineering and Environmental surveys.

Date: 4/25/2024 CONFIDENTIAL
Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983
Units: Foot US



May 3, 2024

Brie Anderson
Apex Clean Energy
120 Garrett Street, Suite 700
Charlottesville, VA 22902

Dear Ms. Anderson,

Thank you for submitting a solar size determination request for Coneflower Energy LLC's proposed 235 megawatt (MW) Coneflower solar project in Lyon County.

The Department is responsible for reviewing such requests to determine whether a combination of solar energy generating systems meets the definition of large electric power generating plant such that a proposed project is subject to the siting authority of the Minnesota Public Utilities Commission (Commission).

Based on information provided by Coneflower Energy LLC, and based on criteria established in Minn. Statute 216E.021, the Department has determined that the Coneflower solar project is not associated with other planned solar projects in a way that would require them to be combined into a single project. However, given that the project on its own has a generating capacity of up to 235 MW, the Department determines that the project is subject to the Commission's siting authority and must submit an application for a site permit under the Power Plant Siting Act (Minnesota Statute 216E).

Per Minn. Statute 216E.021, Coneflower Energy LLC has the right to dispute this determination with the Chair of the Commission.

Please contact me with any questions.

Sincerely,



Ray Kirsch
Energy Environmental Review and Analysis

cc: Bret Eknes, Public Utilities Commission

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Appendix C-2

Representative Project Introduction Letter - Agency

(Letter, Map, and Agency List)

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April 25, 2024

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**Re: Request for Comment on Coneflower Solar Project
Lyon County, Minnesota**

Dear <Name>:

Coneflower Energy, LLC (Coneflower, Coneflower Solar, or Applicant), an indirect wholly owned subsidiary of Apex Clean Energy Holdings, LLC (Apex) is proposing to construct an up to 235 megawatt (MW) alternating current (AC) solar electric generation system and associated facilities (Project) in Custer Township, Lyon County, Minnesota (**Exhibit 1**).

The Project requires a Site Permit from the Minnesota Public Utilities Commission (MPUC) prior to construction under the Minnesota Power Plant Siting Act (MN Statute 216E). Coneflower anticipates submitting the Site Permit Application to the MPUC in mid-2024.

Coneflower is in the process of gathering information and requesting agency comments for the proposed Project. The Project encompasses approximately 2,305 acres (Project Area) of mainly cultivated croplands and pasture lands with scattered farmsteads throughout the Project Area. The Project Area is in Township 109N, Range 41W, Sections 7, 16-22, and 27. The Project is generally south of Marshall, MN. Specifically, the Project is north and west of Garvin and US Highway 59 and east of Balaton. US Highway 14 bisects the Project Area.

Coneflower continues to collect information to inform Project design. The site plan has not been finalized. In general, the Project's permanent facilities will include:

- Solar modules, inverters, and racking
- Security fencing
- Gravel access roads
- Underground electrical collection lines
- A project substation
- An operations and maintenance facility

The enclosed map shows the Project Area within which the Project will be located. We welcome any comments you may have at this time and throughout the Site Permit Application process. Please provide comments within 30 days of receipt of this letter. Any written comments provided in response to this letter will be incorporated into the MPUC's review process.



If you require further information or have questions regarding this matter, please contact Garrick Valverde at (785) 979-9701 or at Garrick.Valverde@apexcleanenergy.com.

Sincerely,

Garrick Valverde

Garrick Valverde
Senior Development Manager
Coneflower Energy, LLC
Apex Clean Energy
8665 Hudson Boulevard North, Suite 200
Lake Elmo, Minnesota 55402
Direct: (785) 979-9701
Garrick.Valverde@apexcleanenergy.com

Enclosure (1):
Exhibit 1 - Project Location Map











Coneflower Solar Project

Lyon County, Minnesota

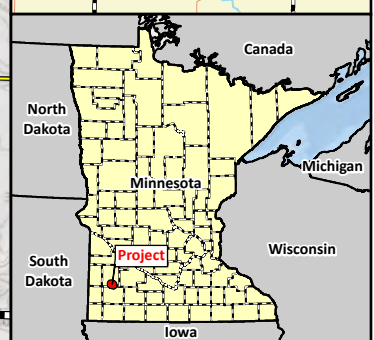
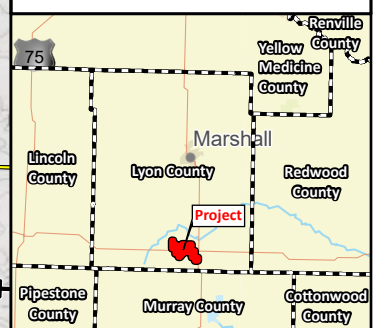
Project Location &
USGS Topography

Exhibit 1

Legend

-  Project Area
-  State Boundary
-  County Boundary
-  PLSS Township
-  PLSS Section
-  Municipal Township
-  Municipal Boundary
-  Major Road
-  Road
-  Railroad

Data Source(s): Westwood (2024); ESRI WMS Topo & World Streets Basemaps (Accessed 2024); PLSS (2022); U.S. Census Bureau (2021, 2022, & 2023).



Agency Contact List
Coneflower Solar Project
Lyon County, MN

Name	Title	Agency1	Agency2	Address1	Address2	City	State	Zip	Email	Telephone
Federal										
Meghan Brown	Lead Project Manager	U.S. Army Corps of Engineers	St. Paul District - Regulatory	332 Minnesota Street	Suite E1500	St. Paul	MN	55101	Meghan.Brown@usace.army.mil USACE_Requests_MN@usace.army.mil	651-290-5688
Dawn Marsh	Fish and Wildlife Biologist	U.S. Fish and Wildlife Service	Minnesota-Wisconsin Ecological Services Field Office	3815 American Boulevard East		Bloomington	MN	55425	dawn.marsh@fws.gov	
State										
Kelly Gragg-Johnson	Environmental Review Specialist	State Historic Preservation Office		203 Administration Building	50 Sherburne Avenue	St. Paul	MN	55155	kelly.graggjohnson@state.mn.us	651-201-3285
Cynthia Warzecha	Energy Projects Planner	Minnesota Department of Natural Resources		500 Lafayette Road		St. Paul	MN	55155	cynthia.warzecha@state.mn.us	651-259-5078
Haley Byron	Regional Environmental Assessment Ecologist	Minnesota Department of Natural Resources	Region 4 (South Region)	117 Rogers Street		Mankato	MN	56001	Haley.Byron@state.mn.us	507-389-8813
Stephan Roos	Environmental Planner	Minnesota Department of Agriculture	Ag Marketing and Development Division - Energy and Environment Section	625 Robert Street North		St. Paul	MN	55155	Stephan.Roos@state.mn.us	651-201-6631
Stacy Kotch Egstad	Utility Routing and Siting Coordinator	Minnesota Department of Transportation	Office of Land Management	395 John Ireland Boulevard	MS 678	St. Paul	MN	55155	stacy.kotch@state.mn.us	651-366-4635
Lisa Hughes	Business Development Manager, South Central Region	Minnesota Department of Employment and Economic Development	Region 9 (South Central Region)	332 Minnesota Street	Suite E200	St. Paul	MN	55101	lisa.hughes@state.mn.us	507-285-7536
Brooke Cunningham	Commissioner	Minnesota Department of Health	Environmental Health Division	625 Robert Street North		St. Paul	MN	55164	health.review@state.mn.us	651-201-4675
Chris Green	Project Manager, Environmental Review	Minnesota Pollution Control Agency		520 Lafayette Road		St. Paul	MN	55155	chris.green@state.mn.us	507-476-4258

Agency Contact List
Coneflower Solar Project
Lyon County, MN

Name	Title	Agency1	Agency2	Address1	Address2	City	State	Zip	Email	Telephone
Lyon County										
Jay Trusty	Executive Director	Southwest Regional Development Commission		2401 Broadway Avenue		Slayton	MN	56172	execdir@swrdc.org	507- 836-1636
John Biren	Planning and Zoning	Lyon County		1424 East College Drive	Ste 600	Marshall	MN	56258		507-532-8207 Ext: 3
Loren Stomberg	County Administrator	Lyon County		607 West Main Street		Marshall	MN	56258	lorenstomberg@co.lyon.mn.us	507-537-6980
Custer Township										
Jennifer Towne	Clerk	Custer Township		1191 260th Avenue		Garvin	MN	56132	jennytowne@woodstocktel.net	507-828-5252
City of Garvin										
Sandy Carlson	Clerk	City of Garvin		125 Sherman Street		Garvin	MN	56132	garvinmn@gmail.com	507-746-4459

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Appendix C-3

Representative Project Introduction Letter – Tribal Nations and Follow Up Letter

September 22, 2023 Letter from Coneflower (Letter, Map, and Tribal Nations
List)

June 24, 2024 Letter from Coneflower to 10 Tribal Nations that did not
participate in cultural resources field investigation

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June 24, 2024

[Tribe]

[Address 1]

[Address 2]

RE: Results of Tribal Resource Survey at Coneflower Energy, a proposed 235-megawatt Solar Project in Lyon County, Minnesota

Dear [NAME],

Coneflower Energy, LLC (Coneflower), an indirect subsidiary of Apex Clean Energy Holdings, LLC (Apex) has proposed the Coneflower Solar Project (Project), an up to 235-megawatt solar project in Lyon County, Minnesota. The Project is situated on approximately 2,299 acres of privately owned land north of the town of Garvin and east of the town of Balaton (Project Area). As you may recall, we reached out to you in September of 2023 to introduce the Project and request comments as part of the Site Permit Application process for the Project to the Minnesota Public Utilities Commission (MPUC).

We received responses to our outreach from Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Shakopee Mdewakanton Indian Community, and Upper Sioux Community, as well as the Minnesota Indian Affairs Council (MIAC). We were delighted that the Upper Sioux Community responded that they would like to take part in the field survey for the Project.

Coneflower hired an independent cultural consultant, Impact 7G, Inc. (Impact 7G), to coordinate with the tribal cultural specialists (TCSs) and perform the field surveys. Between November 2023 and January 2024, Impact 7G principal archeologist Kurt Lanno, archeologists Reuben Weston, Haidyn Weber, Adam Sax, and Victor Ponte and archaeological technician Laura Clark, with Upper Sioux Community tribal cultural specialists (TCS) Drew Brockman and Cameron Stennes, completed a Phase I cultural resource survey for the Project. Four areas of cultural interest in two discrete sites, identified as TIS 1 and TIS 2, were identified by the Upper Sioux Community TCSs. Coneflower plans to avoid these resources and implement a buffer around them, per the recommendations of the Upper Sioux THPO.



For additional information on either of the identified sites, please contact the MIAC. We welcome any comments your community may have at this time and throughout the permit application process. If you require further information or have questions

regarding this matter, please contact either Sarah Cromie at (434) 270-3131 or sarah.cromie@apexcleanenergy.com or Brie Anderson at 612-501-2801 or brie.anderson@apexcleanenergy.com.

Sincerely,

Sarah Cromie
Senior Environmental Permitting Manager

Brie Anderson
Director of Project Permitting

Coneflower Energy, LLC

Lyon County, Minnesota

September 22, 2023

[TRIBE]

[Address 1]

[Address 2]

RE: Requesting Comments on Coneflower Energy, a proposed 235-megawatt Solar Project in Lyon County, Minnesota

Dear [NAME],

Coneflower Energy, LLC (Coneflower), an indirect subsidiary of Apex Clean Energy Holdings, LLC (Apex) is gathering information and requesting agency comments for the proposed Coneflower Energy Project (Project), a utility-scale solar energy facility in Lyon County, Minnesota.

Coneflower will be submitting a Site Permit Application for the Project to the Minnesota Public Utilities Commission (MPUC) in early 2024. The planned output for the Project is up to 235 megawatts of nameplate solar-energy capacity. The Project's permanent facilities will include:

- Solar modules, inverters, and racking;
- Fencing;
- Access roads, as required;
- Operations and maintenance (O&M) building;
- Project substation and switching station;
- On-site underground electrical collection lines; and
- Weather stations (up to 20 feet tall).

The Project will connect to the existing Lyon County to Lake Yankton 115 kilovolt transmission line bisecting the northern portion of the Project Area, along 140th Street via a switching station. The Project substation and switching station would be adjacent facilities connected via slack span within the Project Area; no new transmission line is needed for the Project due to the existing line.

The racking layout, access roads, and electrical connection locations have not been finalized at this time. The Project is proposed in portions of Sections 7, 16-22, and 27 in Custer Township (T109N R41W). Land use within the Project Area is currently primarily row crops with existing utilities and farmsteads throughout. To facilitate your review, we have enclosed a map of Coneflower's location and the associated Project boundary.

c/o Apex Clean Energy

120 Garrett Street, Suite 700 | Charlottesville, VA 22902

T 434.220.7595 | F 434.220.3712

apexcleanenergy.com


Coneflower Energy, LLC

Lyon County, Minnesota

We welcome any comments your Community may have at this time and throughout the permit application process. Any written Community comments provided in response to this letter will be incorporated into the MPUC review process. Additionally, we would like to know if a representative from your organization would be interested in accompanying our cultural consultant during cultural field surveys of the Project area in mid to late October 2023. We respectfully request that you respond to this inquiry within 30 days of this request if you would like to join us for the cultural surveys; if a response is not received within 30 days, we will assume you are not interested in joining the survey work.

Coneflower plans to apply for a site permit from the MPUC for the Project by early 2024. We therefore respectfully request comments from you by October 31, 2023, so they may be taken into consideration in the permit application process. If you require further information or have questions regarding this matter, please contact either Sarah Cromie at (434) 270-3131 or sarah.cromie@apexcleanenergy.com or Brie Anderson at 612-501-2801 or brie.anderson@apexcleanenergy.com.

Sincerely,



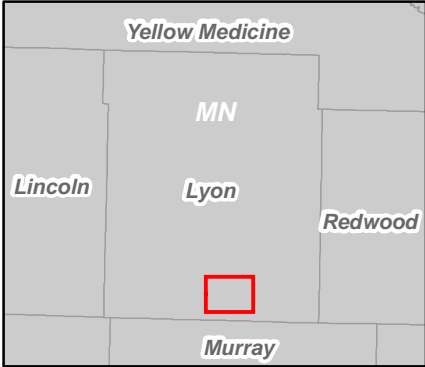
Sarah Cromie
Senior Environmental Permitting Manager



Brie Anderson
Director of Project Permitting

Enclosure:

Coneflower Location Map

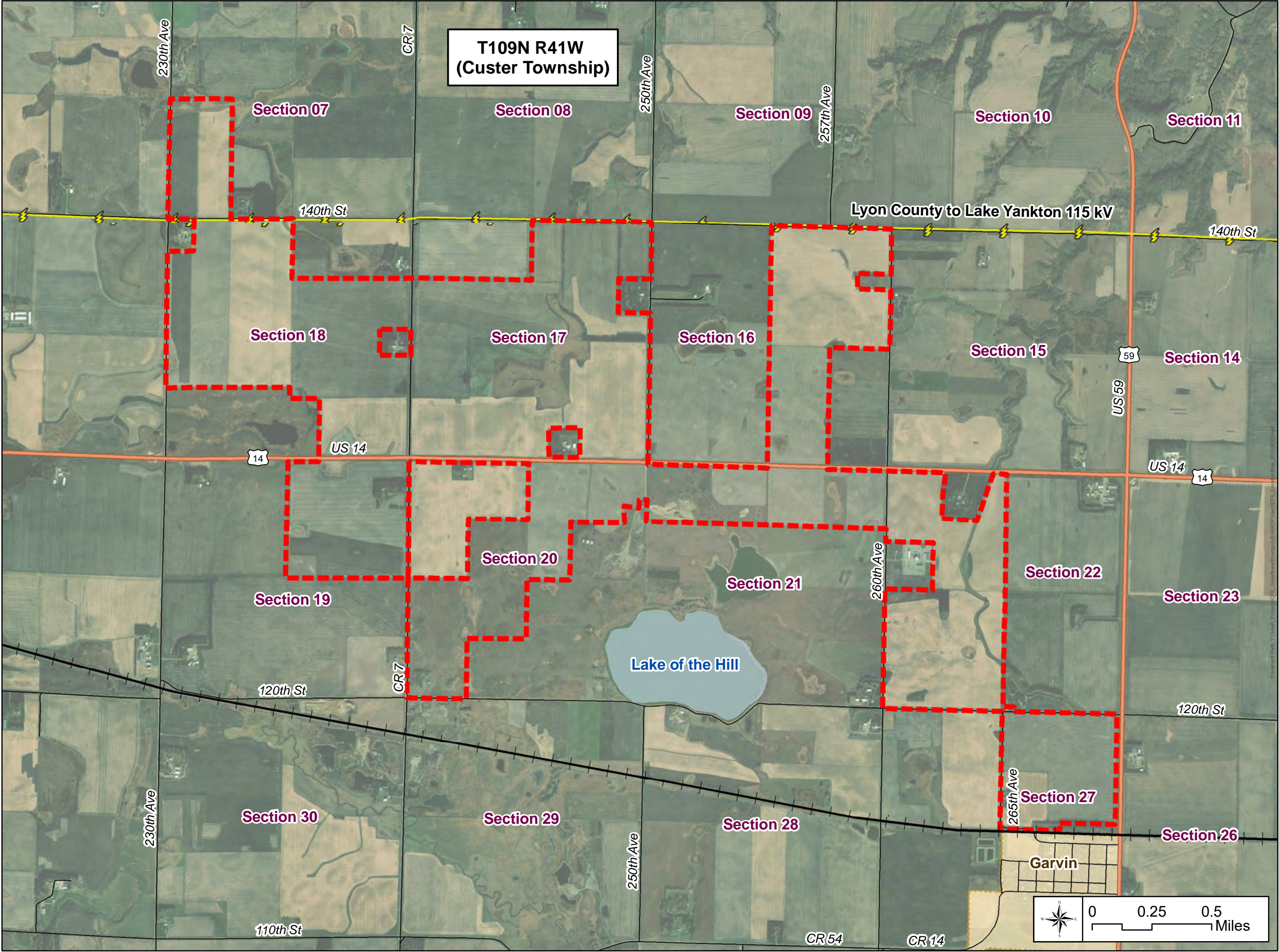


Coneflower Energy, LLC
Lyon County, MN
Project Location

- Project Boundary
- Municipalities
- Lake of the Hill
- Lyon County to Lake Yankton 115 kV Line
- Highways
- Streets
- Railroad
- S #** PLSS Section #

All facilities and features on this map are preliminary and subject to final Engineering and Environmental surveys.

Date: 9/22/2023 **CONFIDENTIAL**
Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983
Units: Foot US



Coneflower Solar Tribal Contact List

Name	Title	Agency	Address1	Address2	City	State	Zip	Email	Telephone	Contact Method 1st Letter	Contact Method 2nd Letter
Cheyenne St. John	Tribal Historic Preservation Officer	Lower Sioux Indian Community	39527 Res. Highway 1	P.O. Box 308	Morton	MN	56270	cheyanne.stjohn@loverssioux.com	Office Phone: (507) 697-6185	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Samantha Odegard	Tribal Historic Preservation Officer	Upper Sioux Community	5722 Travers Lane	P.O. Box 147	Granite Falls	MN	56241	samanthao@uppersiouxcommunity-nsn.gov	Office Phone: (320) 564-6334	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Noah White	Tribal Historic Preservation Officer	Prairie Island Indian Community	5636 Sturgeon Lake Road		Welch	MN	55089	Noah.White@piic.org	Office Phone: 651-385-4175	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Leonard Wabasha	Tribal Historic Preservation Officer	Shakopee Mdewakanton Indian Community	2300 Tiwahe Circle		Shakopee	MN	55379	leonard.wabasha@shakopeedakota.org	Office Phone: (952) 496-6120	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Jaylen Strong	Tribal Historic Preservation Officer	Bois Forte Band of Chippewa	1500 Bois Forte Road		Tower	MN	55790	Jaylen.strong@boisforte-nsn.gov	Office Number: (218) 753-6017	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Evan Schroeder	Tribal Historic Preservation Officer	Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Road		Cloquet	MN	55720	evanschroeder@fdlez.com	Office Number: (218) 878-7129	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Rob Hull	Tribal Historic Preservation Officer	Grand Portage Band of Ojibwe		P.O. Box 428	Grand Portage	MN	55605	thpo@grandportage.com	(218) 475-0111	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Amy Burnette (1st letter) Gina Lemon (2nd letter)	Tribal Historic Preservation Officer	Leech Lake Band of Ojibwe	190 Sailstar Dr. NE		Cass Lake	MN	56633	amy.burnette@llojibwe.net gina.lemon@llojibwe.net	(218) 335-2940	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Terry Kemper (1st letter) Mike Wilson (2nd letter)	Tribal Historic Preservation Officer	Mille Lacs Band of Ojibwe	43408 Oodena Dr.		Onamia	MN	56359	Terry.Kemper@millelacsband.com mike.wilson@millelacsband.com	Office: (320) 362-1393	Email 9/22/23 (returned undeliverable) and USPS 10/5/2023	email 6/24/24
Kade Ferris	Tribal Historic Preservation Officer	Red Lake Band of Chippewa	15484 Migizi Drive	P.O. Box 274	Red Lake	MN	56671	kade.ferris@redlakenation.org	(218) 679-1691	USPS 10/5/2023	email 6/24/24
Jaime Arsenault	Tribal Historic Preservation Officer	White Earth Nation of Chippewa		P.O. Box 418	White Earth	MN	56591	Jaime.Arsenault@whiteearth-nsn.gov	Office: (218) 983-3285 Ext. 5807	Email 9/22/23 and USPS 10/5/2023	email 6/24/24
Melissa Cerda (1st and 2nd letter) John Reynolds (2nd letter)	Cultural Resources Specialist, Senior Cultural Resource Manager	Minnesota Indian Affairs Council (MIAC)	161 St. Anthony Ave, Ste. 919		St. Paul	MN	55103	melissa.cerda@state.mn.us John.Reynolds@state.mn.us		Email 9/22/23 and USPS 10/5/2023	email 6/21/24

Appendix C-4

Agency and Tribal Nation Responses

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Appendix C-4

Agency and Tribal Nation Responses

US Fish and Wildlife Service

June 12, 2024 Agency Response

May 9, 2024 Letter from Coneflower with IPaC

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From: [Marsh, Dawn S](#)
To: [Sarah Cromie](#)
Cc: [Carol Guy-Stapleton](#); [Jennie Geiger](#)
Subject: Re: [EXTERNAL] Request for Comments - Coneflower Solar
Date: Wednesday, June 12, 2024 2:23:18 PM

Good afternoon,

Thank you for the opportunity to comment on the proposed Coneflower Solar Project site location and project in Lyon County, Minnesota. Meeting the growing demand for renewable energy production in Minnesota will require careful planning of new facilities. Appropriate siting of renewable energy facilities is one of the best methods available to minimize the potential for wildlife impacts. We welcome the opportunity to work with you in project planning.

Regulatory Framework and Planning Resources

Federal laws specify that the U.S. Fish and Wildlife Service (Service) has a management responsibility for a variety of wildlife resources and plays a role in advising other Federal and State agencies in their review of permit applications and project planning. These laws include the Endangered Species Act (ESA; 87 Stat. 884; 16 U.S.C. 1531 *et seq.*), the Clean Water Act section 404(j) (CWA; as amended; 33 U.S.C. 1251 *et seq.*), the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401; 16 U.S.C. 661 *et seq.*), Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 *et seq.*), and the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668 *et seq.*). Additional State and Federal regulations may apply, and it is the responsibility of the applicant or agency to adhere to such regulations.

Although Section 7 consultation may not be required, applicants and agencies are not exempt from provisions under Sections 9 and 10 of the Act. Section 9 and Federal regulations prohibit the take of endangered and threatened species, respectively, without special exemption. “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. “Harm” is further defined (50 CFR § 17.3) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. “Harass” is defined (50 CFR § 17.3) as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. Should the proposed project have the potential to take listed species, the Service recommends that the applicant develop a Habitat Conservation Plan and obtain a section 10(a)(1)(B) permit.

Impacts to Listed Species

Northern Long-Eared Bat (*Myotis septentrionalis*, Endangered)

The northern long-eared bat (NLEB) has the potential to occur in Lyon County and may occur within the proposed project boundary. The Service recommends avoiding tree clearing activities during the NLEB active season (April 1 through November 14).

Impacts to Eagles

Bald eagles, golden eagles, and their nests are protected under the Eagle Act. The Eagle Act prohibits, except when authorized by a 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.”

Our [National Bald Eagle Management Guidelines](#) are intended to help people protect eagle nests and avoid “disturbance” of eagles as required by the Eagle Act. We have also developed guidance to help determine if you may need an [incidental take permit for bald eagles](#) if disturbance cannot be avoided. If your project may impact a bald eagle nest, or you anticipate that you will be unable to avoid disturbing bald eagles, please contact us regarding the Eagle Act permit process.

Site Selection and Layout Recommendations:

1. Select a site with the least wildlife value practicable. Sites such as vehicle parking areas (using elevated solar panels), commercial roof tops, brownfields, industrial developments, or municipal solid waste landfills may provide adequate space for a solar development and have no impact to existing wildlife habitat. Additionally, developing solar with compatible forms of agriculture (e.g., “dual-use farming”) may allow for continued crop production or grazing by using elevated solar panels and minimize the potential for additional loss of wildlife habitat.
2. If low wildlife value sites are not feasible, we suggest avoiding or minimizing to the greatest degree the conversion of forested areas, native grasslands, and wetlands. These areas provide important habitat for a variety of species and help protect water quality.
3. Plan the site to help ensure bat habitat is adequately protected by minimizing the removal of forested habitat and protecting forested hedgerows or other forested corridors connecting areas of suitable bat habitat.
4. For other threatened or endangered species identified in the official IPaC Species List, determine if their habitat is present in the project action area. If suitable habitat is present, plan to avoid impacts to listed species’ habitat. If habitat impacts cannot be avoided, we suggest conducting appropriate surveys to confirm species presence.
5. Identify bald eagle nests that are within or near the project site to help inform project layout. Bald eagle nests are large (4-6 feet in diameter and 3 feet deep, on average) and therefore noticeable, especially when in deciduous trees after leaf drop.
6. Plan the site to provide habitat for pollinators. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plants around and under solar panels will help support the nutritional needs of Minnesota’s pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always in bloom and pollen is available during the active periods of pollinators (mid-March to mid-October).
7. Incorporate a water source (e.g., ephemeral pool or low area) to provide additional resources for pollinators and bats.

Project Construction Recommendations:

1. When removing potential wildlife habitat is necessary, avoid spring and summer (March

15-August 15) when feasible to help prevent the loss of nests, non-mobile young, and help wildlife populations maintain productivity.

2. Consider voluntary mitigation in addition to any required mitigation to offset the loss of forested areas, wetlands, or native grasslands.

3. Use construction techniques and materials (wildlife friendly erosion control materials) that are not likely to cause additional harm to wildlife.

4. Implement measures to reduce the chances that equipment will exacerbate the spread of invasive species into natural habitats (e.g., cleaning equipment prior to accessing the site, post-site restoration monitoring, and invasive plant treatments, as necessary).

5. Any above ground electrical transmission lines or other equipment should follow the [Avian Power Line Interaction Committee guidelines](#) for minimizing avian electrocution and collision risk.

Operational Recommendations:

1. Require technicians and other staff that visit the project area to report any wildlife mortalities or injuries they observe, specifically birds and bats. Although we do not anticipate significant potential for wildlife impacts from solar facility operations in Minnesota, there have been reports of birds mistaking solar panels for a water surface in certain conditions as well birds killed along transmission lines and other electrical equipment. These can be reported to the Service's [Injury and Mortality Reporting System](#).

2. Incorporate wildlife friendly mowing practices (e.g., timing of mowing to benefit pollinators). Additional information can be found in the [Service's Conservation Guidance for the Rusty Patched Bumble Bee document](#).

Thank you for the opportunity to comment on the proposed Coneflower Solar 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 via email (Dawn_Marsh@fws.gov) or phone (612-283-8054).

Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
3815 American Blvd. E., Bloomington, MN 55425
Mobile: (612) 283-8054

From: Sarah Cromie <sarah.cromie@apexcleanenergy.com>

Sent: Thursday, May 9, 2024 3:51 PM

To: Marsh, Dawn S <dawn_marsh@fws.gov>

Cc: Carol Guy-Stapleton <carol.guystapleton@apexcleanenergy.com>; Jennie Geiger <jennie.geiger@apexcleanenergy.com>

Subject: [EXTERNAL] Request for Comments - Coneflower Solar

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Dawn,

Coneflower Energy LLC will seek a Site Permit from the Minnesota Public Utilities Commission (MPUC) prior to construction of the proposed Coneflower Solar Project under the Minnesota Power Plant Siting Act (MN Statute 216E). Coneflower anticipates submitting the Site Permit Application to the MPUC in mid-2024. We are in the process of gathering information and requesting agency comments for the proposed Project; please find a request for comments attached. Should you have questions or need clarification on any of this please reach out to me anytime. If you could please reply to this email so I know you received it I would greatly appreciate it.

I hope this email finds you doing well and enjoying some spring weather!

Best Always,
~Sarah

SARAH CROMIE
Environmental Permitting Manager

Apex Clean Energy
120 Garrett Street, Suite 700, Charlottesville, VA 22902
cell: 434-270-3131 | fax: 434-220-3712
sarah.cromie@apexcleanenergy.com | www.apexcleanenergy.com



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May 9, 2024

U.S. Fish and Wildlife Service

Dawn Marsh, Fish and Wildlife Biologist

3815 American Blvd, E.

Bloomington, MN 55425

Transmitted via email: dawn_marsh@fws.gov

**Re: USFWS Meeting Summary and Request for Comment on Coneflower Solar Project
Lyon County, Minnesota**

Dear Dawn Marsh:

Coneflower Energy, LLC (Coneflower, Coneflower Solar, or Applicant), an indirect wholly owned subsidiary of Apex Clean Energy Holdings, LLC (Apex) is proposing to construct an up to 235 megawatt (MW) alternating current (AC) solar electric generation system and associated facilities (Project) in Custer Township, Lyon County, Minnesota. The Project encompasses approximately 2,305 acres (Project Area) of mainly cultivated croplands and pasture lands with scattered farmsteads throughout the Project Area. The Project Area is in Township 109N, Range 41W, Sections 7, 16-22, and 27. The Project is generally south of Marshall, MN; north and west of Garvin and US Highway 59; and east of Balaton. US Highway 14 bisects the Project Area (**Exhibit 1**).

The Project requires a Site Permit from the Minnesota Public Utilities Commission (MPUC) prior to construction under the Minnesota Power Plant Siting Act (MN Statute 216E). Coneflower anticipates submitting the Site Permit Application to the MPUC in mid-2024.

Coneflower is in the process of gathering information and requesting agency comments for the proposed Project. As part of the outreach efforts, Coneflower met with you and other representatives from the Minnesota Department of Natural Resources (MNDNR) and U.S. Fish & Wildlife (USFWS) to provide an overview of the proposed Project on December 19, 2023.

The purpose of the December 19th meeting was to introduce the Project, present results from the studies completed to date, and agree on appropriate minimization/avoidance measures. Coneflower indicated that the entire project is located on private land (89% of which is agricultural or developed), it has been sited to avoid all state and federally protected lands, and that no facilities will be placed within 200 feet of public conservation lands. Federally protected species with the potential to occur within the Project area include the northern long-eared bat, tri-colored bat, bald and golden eagles, and migratory birds. No eagle or raptor nests were documented within the Project area or 0.25 mile buffer, suggesting minimal suitable nesting habitat, and minimal to no tree clearing is anticipated for the Project. If minimal tree clearing is necessary, it will be completed in the winter during the inactive season for bats from November

1st through April 14th¹. In addition, the Project will be designed to avoid and minimize impacts to waterbodies and wetlands to the extent practicable. A vegetation management plan is currently being developed for the Project.

To identify species listed under the Endangered Species Act with the potential to occur, the proposed Project boundary was uploaded into the USFWS Information for Planning and Consultation (IPaC) online planning tool on May 2, 2024 (**Exhibit 2**).

Coneflower continues to collect information to inform Project design. The site plan has not been finalized. In general, the Project's permanent facilities will include:

- Solar modules, inverters, and racking
- Security fencing
- Gravel access roads
- Underground electrical collection lines
- A project substation
- An operations and maintenance facility

The enclosed map shows the Project Area within which the Project will be located. We welcome any comments you may have at this time and throughout the Site Permit Application process. Please provide comments within 30 days of receipt of this letter. Any written comments provided in response to this letter will be incorporated into the MPUC's review process.

If you require further information or have questions regarding this matter, please contact Sarah Cromie, Sarah.Cromie@apexcleanenergy.com, and/or 434-270-3131.

Sincerely,



Sarah Cromie
Environmental Permitting Manager
Apex Clean Energy, Inc.

Enclosure (2):
Exhibit 1 - Project Location Map
Exhibit 2 - IPaC Report

¹ Date range from USFWS April 2, 2024 *Northern Long-eared Bat and Tricolored Bat Voluntary Environmental Review Process for Development Projects* which recommends to use the most recent USFWS March 2024 *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines*.











Coneflower Solar Project

Lyon County, Minnesota

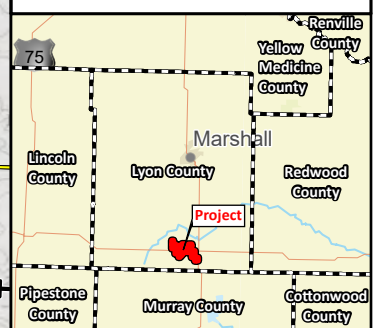
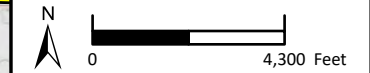
Project Location &
USGS Topography

Exhibit 1

Legend

-  Project Area
-  State Boundary
-  County Boundary
-  PLSS Township
-  PLSS Section
-  Municipal Township
-  Municipal Boundary
-  Major Road
-  Road
-  Railroad

Data Source(s): Westwood (2024); ESRI WMS Topo & World Streets Basemaps (Accessed 2024); PLSS (2022); U.S. Census Bureau (2021, 2022, & 2023).



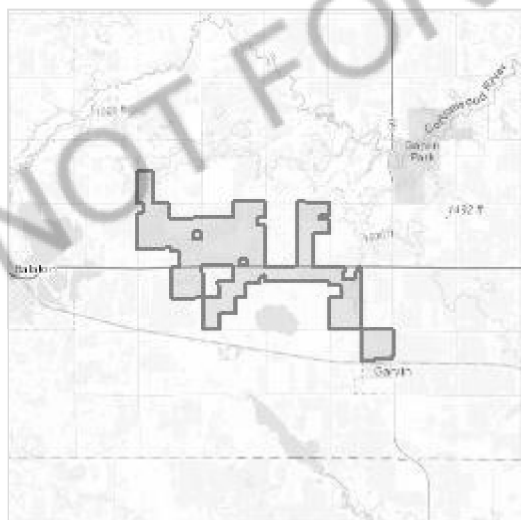
IPaC resource list

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

Lyon County, Minnesota



Local office

Minnesota-Wisconsin Ecological Services Field Office

☎ (952) 858-0793

3815 American Blvd East
Bloomington, MN 55425-1659

NOT FOR CONSULTATION

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 species¹ 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 Fisheries²).

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. IPaC only shows species that are regulated by USFWS (see FAQ).

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> Wherever found This species only needs to be considered if the following condition applies: <ul style="list-style-type: none">This species only needs to be considered if the project includes wind turbine operations. No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found This species only needs to be considered if the following condition applies: <ul style="list-style-type: none">This species only needs to be considered if the project includes wind turbine operations. No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Insects

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

Critical habitats

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

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

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

NAME	BREEDING SEASON
<div>Bald Eagle <i>Haliaeetus leucocephalus</i></div> <div>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.</div> <div>https://ecos.fws.gov/ecp/species/1626</div>	Breeds Dec 1 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 ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "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.
2. 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 $0.05/0.25 = 0.2$.
3. 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.

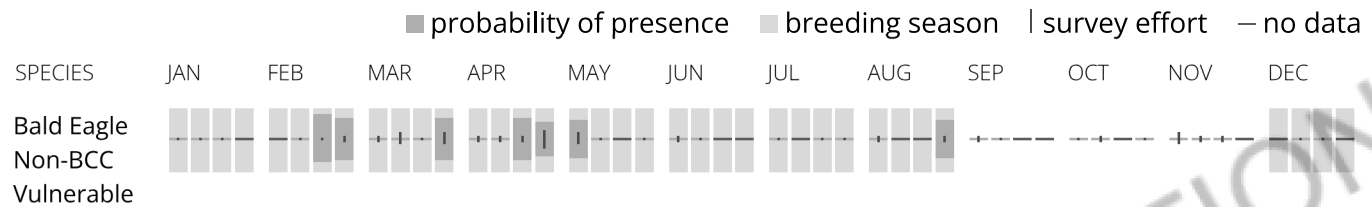
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

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.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence 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). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles 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 [Rapid Avian Information Locator \(RAIL\) Tool](#).

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. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON

Bald Eagle *Haliaeetus leucocephalus*

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.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Black Tern *Chlidonias niger surinamensis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3093>

Breeds May 15 to Aug 20

Chimney Swift *Chaetura pelagica*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 25

Franklin's Gull *Leucophaeus pipixcan*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Grasshopper Sparrow *Ammodramus savannarum*
perpallidus

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/8329>

Breeds Jun 1 to Aug 20

Henslow's Sparrow *Centronyx henslowii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3941>

Breeds May 1 to Aug 31

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Pectoral Sandpiper *Calidris melanotos*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere