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Attorneys and Advisors

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August 15, 2024

VIA EFILING

Mr. Will Seuffert Executive Secretary Minnesota Public Utilities Commission 121 7th Place East, Suite 350 St. Paul, MN 55101-2147

Re: In the Matter of the Application of Enbridge Solar (Plummer), LLC for a Site Permit for the up to 130 MW Plummer Solar Project in Red Lake County, MN

MPUC Docket No. IP7103/GS-22-451

Dear Mr. Seuffert:

Enbridge Solar (Plummer), LLC (Plummer Solar) submits the enclosed additional agency correspondence in support of its Application for a Site Permit (Application) for the proposed Plummer Solar Project (Project).

As noted on page 66 of its Application, Plummer Solar provided its Combined Phase I and Traditional/Tribal Cultural Resources Survey (Application Appendix K) to the State Historic Preservation Office (SHPO) for review and comment on January 18, 2024. As documented in the enclosed correspondence with SHPO (provided as <u>Attachment A</u>), upon request, Plummer Solar provided additional information to SHPO to assist with SHPO's review. In a letter dated June 19, 2024, SHPO responded that "there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by this project." Each of these correspondences are provided in <u>Attachment A</u> as a supplement to Application Appendix K.

Additionally, the Leech Lake Band of Ojibwe Tribal Historic Preservation Office (THPO) has reviewed the Project and provided a letter included as <u>Attachment B</u> stating that "the Leech Lake Band of Ojibwe does not have any known recorded sites of religious or culturally identified resources in these areas." The THPO letter is provided herewith as a supplement to Application Appendix D (Agency Correspondence).

In accordance with Minnesota Rules, part 7829.0500, and Minnesota Statutes Chapter 13, Plummer Solar has designated portions of <u>Attachment A</u> as **NONPUBLIC DATA–NOT FOR PUBLIC DISCLOSURE** because it contains sensitive cultural resource information. The Minnesota State Historic Preservation Office Manual for Archaeological Projects in Minnesota provides for restricted access to sensitive cultural resource information. Given the need to include nonpublic information, Plummer Solar has prepared and is electronically filing both NONPUBLIC and public versions of Attachment A.

August 15, 2024 Page 2

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Bridget A. Duffus

Bridget A. Duffus Direct Dial: (612) 492-7277 Email: bduffus@fredlaw.com

ATTACHMENT A PUBLIC DOCUMENT - NONPUBLIC DATA HAS BEEN EXCISED



STATE HISTORIC PRESERVATION OFFICE

March 7, 2024

Veronica Parsell Barr Engineering Co. 325 South Lake Avenue, Suite 700 Duluth, MN 55802

RE: Plummer Solar Project

T151 R42 S14 & S15, Red Lake County

SHPO Number: 2022-2424

Dear Veronica Parsell:

Thank you for the opportunity to review and comment on the above referenced project. Information received on January 18, 2024, has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666).

According to your January 18, 2024 cover letter, Enbridge is proposing to construct a 130 MW solar facility near the City of Plummer in Red Lake County. The project will include the installation of solar arrays, racking system, inverters, trenched electrical cables, an operations and maintenance facility, a substation, interconnection facilities, weather stations, stormwater management, temporary laydown areas, security fencing and gates, access roads, and a 350-foot-long transmission line.

We received the following reports with your submission:

- Phase I Archaeological Investigation Plummer 130 MW Solar Project Plummer, MN (Barr Engineering Co, December 2022)
- Phase I Archaeological Investigation Addendum 1: Eastern Parcels Plummer 130 MW Solar Project Plummer, MN (Barr Engineering Co, July 2023)

Based on our review of these reports, we cannot complete our project review at this time. Please provide additional information regarding the research design and field methods for the traditional archaeological survey that was conducted. We understand that a portion of the Project Area was not surveyed because it was determined that it was previously surveyed, but this was not made clear in the research design or field methods. Based on our review of the only previous survey report available to our office, large portions of the areas marked "previously surveyed" were documented as "not surveyed" in the Lange Mueller and Terry 2015 report/MULT-2015-09. Two reports referenced in the 2022 survey report do not appear to be on file at our office, so we cannot determine whether those reports meet current standards (Doperalski and Van Vleet 2008; Bielakowski et al. 2007). However, these reports are more than 10 years old and best practices in archaeology suggest that these areas should be surveyed to current standards. Please provide additional information to support the determination that the Project Area has been adequately surveyed, particularly the areas marked as "previously surveyed".

It also appears that some shovel tests were excavated during the current survey efforts, but it is not clear where they were excavated. Please provide more information about where shovel testing was conducted and the rationale for shovel test placement.

Tribal Cultural Resources Survey Reports were included in the appendices of the submitted reports. We understand that these surveys identified rocks, trees, plants, and wildlife traditionally and currently used for food, medicine, arts, ceremony and/or materials. We also understand that the delineated wetlands in the Project Area are vitally important to Indigenous communities that harvest fish, game, wild rice, and other aquatic plants and animals that are culturally significant. We understand that ground disturbance within the Project Area will be monitored by Tribal Monitors to minimize adverse effects to these resources. We recommend continuing to resolve any adverse effects to these resources with Tribal Resource Managers as recommended in the Tribal Cultural Resource Survey reports.

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

If you have any general questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Specialist, at (651) 201-3285 or kelly.graggjohnson@state.mn.us. For questions regarding archaeology, please contact Lucy Harrington, Environmental Review Archaeologist, at (651) 201-3283 or lucy.harrington@state.mn.us.

Sincerely,

Sarah J. Beimers

Sarang. Bannors

Environmental Review Program Manager



April 22, 2024

Lucy Harrington Minnesota State Historic Preservation Office Administration Building #203 50 Sherburne Ave St Paul, MN Zip 55155

Re: SHPO Number: 2022-2424, Plummer Solar Project in Red Lake County, Minnesota

Dear Ms. Harrington:

Thank you for your recent review and comments detailed in the State Historic Preservation Office's (SHPO's) response letter dated March 7, 2024, on the Enbridge Solar (Plummer), LLC ("Plummer Solar") project to construct and operate a 130 megawatt (MW) solar facility in Emardville Township, Red Lake County, Minnesota (the Project).

As of April 2, 2024, Enbridge has submitted the site permit application to Minnesota Public Utility Commission based on the final layout established. As Enbridge moves through the permitting process, Enbridge will continue to work with Tribal Nations as it relates to the project wholistically and THPOs related to any Tribal Cultural Resource impacts.

Barr has prepared the following responses to address your comments for SHPO Number: 2022-2424.

SHPO comment: Please provide additional information regarding the research design and field methods for the traditional archaeological survey that was conducted. We understand that a portion of the Project Area was not surveyed because it was determined that it was previously surveyed, but this was not made clear in the research design or field methods...Please provide additional information to support the determination that the Project Area has been adequately surveyed, particularly the areas marked as "previously surveyed".

Barr response: Plummer Solar modified the Project Area after survey efforts initiated; as a result, some of the referenced previously surveyed area is no longer within the Project Area. For the current Project Area, Barr completed systematic pedestrian surveys everywhere with one exception. The exception area is the area previously surveyed by Merjent in 2016 (Lange Mueller et al. 2016). Additional details are provided below.

Modified Project Area

We would like to take this opportunity to clarify changes to the Project footprint that occurred after the 2022 Phase I archaeological reconnaissance, and which necessitated the completion of the addendum Phase I report submitted to your office with the original Phase I report. Following the original Phase I survey in 2022, Plummer Solar modified the footprint of their Project Area. These changes included the addition of two parcels to the east (surveyed in 2023) of the original Project Area (surveyed in 2022), and the *removal* of 221 acres at the western end of the original Project Area.

The area that was removed from the Project footprint consists of the entire area that was surveyed by Merjent in 2015 (Lange Mueller and Terry 2015).¹

Figure 1, enclosed with this letter, shows the adjusted and final Project boundaries, which includes the addition of the eastern parcels and the removal of the western parcel(s).

Systematic Pedestrian Surveys

In 2022 and 2023, Barr conducted a pedestrian survey in 15-meter transects using methods consistent with Minnesota SHPO guidelines (Anfinson 2005) for nearly all the new Project Area² (Figure 1). There is one exception.

The exception area is shown on Figure 1 as "Previously surveyed (Lange Mueller et al. 2016)." This area consists primarily of a previously used, and subsequently restored, laydown yard that was surveyed by Merjent in 2016 (Lange Mueller et al. 2016) (Figure 1). The restored laydown yard was visually inspected and found to have been disturbed from its prior use as a laydown yard; therefore, no additional survey was completed in the area previously surveyed in 2016, except to revisit site 21RL0033, which is discussed further in the following subsection.

Previously Surveyed Area within Current Project Area

SHPO comment: It also appears that some shovel tests were excavated during the current survey efforts, but it is not clear where they were excavated. Please provide more information about where shovel testing was conducted and the rationale for shovel test placement.

Barr response: Barr completed 26 shovel tests within a small portion of the Project Area previously delineated as site 21RL0033 (Figure 2). Shovel testing was conducted in this area due to a lack of ground surface visibility and to confirm site presence and reaffirm boundaries. Shovel tests were excavated in 15-meter transects across the landform containing the previously delineated site, while the agricultural field adjacent to the site was surveyed via pedestrian survey in 5-meter transects (Figure 2). Radial shovel tests were not deemed necessary by the Principal Investigator due to the agricultural field that allowed for pedestrian survey surrounding the landform that

¹ As alluded to in your response letter, Barr's research design and field methodology did assume that the field survey completed by Merjent, Inc. (Merjent) in 2015 (Lange Mueller and Terry 2015) was recent enough that those portions of the original Plummer Project Area surveyed by Merjent were not resurveyed for archaeological resources by Barr. This portion of the Project Area was surveyed for Tribal cultural resources by Barr and Dirt Divers Cultural Resource Management (DDCRM). The majority of the Project Area surveyed by Merjent was systematically shovel tested, with the exception of wetlands, low sensitivity areas, and areas previously disturbed. Nonetheless, this area previously surveyed by Merjent in 2015 and revisited by Barr/DDCRM in 2022 is no longer a part of the current Project Area.

² Your response letter indicates that two surveys completed by 106 Group in 2007 and 2008 are not on file at the State Historic Preservation Office and therefore could not be referenced. Regardless, these surveys are more than 10 years old and best practices in archaeology suggest that these areas should be surveyed to current standards. Barr is pleased to clarify that those portions of the 2007 and 2008 surveys located within the current Project Area were subjected to systematic pedestrian survey at 15-meter intervals by Barr as part of the current undertaking.

April 22, 2024 Page 3

contained the majority of the site, and because shovel testing at 15-meter intervals refined site boundaries to the edge of the agricultural field where pedestrian survey was then possible.

If you have any questions or require additional information, please do not hesitate to contact me via email (vparsell@barr.com) or phone (574-229-8747).

Sincerely,

Veronica Parsell

Senior Cultural Resource Specialist

Venomi Pausell

Bcc: Kristy DeVera and Heather Riome, Enbridge

Sarah Johnson, Barr

Enclosed:

Figure 1: Barr Fieldwork Results

Figure 2: 21RL0033 Aerial Map showing shovel test unit locations







STATE HISTORIC PRESERVATION OFFICE

June 19, 2024

Veronica Parsell Barr Engineering Co. 325 South Lake Avenue, Suite 700 Duluth, MN 55802

RE: Plummer Solar Project

T151 R42 S14 & S15, Red Lake County

SHPO Number: 2022-2424

Dear Veronica Parsell:

Thank you for continuing consultation on the above referenced project. Information received on April 23, 2024, has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666).

As stated in your submittal, Enbridge is proposing to construct a 130 MW solar facility near the City of Plummer in Red Lake County. The project will include the installation of solar arrays, racking system, inverters, trenched electrical cables, an operations and maintenance facility, a substation, interconnection facilities, weather stations, stormwater management, temporary laydown areas, security fencing and gates, access roads, and a 350-foot-long transmission line.

We last commented on this project in a letter dated March 7, 2024, follow our review of the reports:

- Phase I Archaeological Investigation Plummer 130 MW Solar Project Plummer, MN (Barr Engineering Co, December 2022)
- Phase I Archaeological Investigation Addendum 1: Eastern Parcels Plummer 130 MW Solar Project Plummer, MN (Barr Engineering Co, July 2023)

Based on the information provided, we were unable to complete our review of the project and asked that you provide additional information regarding the research design and field methods for the traditional archaeological survey that was conducted.

We have reviewed the additional information provided in your April 22, 2024, cover letter and accompanying maps and we agree that sites 21RL0033, 21RL0041 and 21RL0042 are **not eligible** for listing in the National Register of Historic Places. Therefore, we conclude that there are **no properties** listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by this project.

As previously stated, Tribal Cultural Resources Survey Reports were included in the appendices of the submitted Phase I reports. We understand that these surveys identified rocks, trees, plants, and wildlife traditionally and currently used for food, medicine, arts, ceremony and/or materials. We also understand that the delineated wetlands in the Project Area are vitally important to Indigenous

communities that harvest fish, game, wild rice, and other aquatic plants and animals that are culturally significant. We understand that ground disturbance within the Project Area will be monitored by Tribal Monitors to minimize adverse effects to these resources. We recommend continuing to resolve any adverse effects to these resources with Tribal Resource Managers as recommended in the Tribal Cultural Resource Survey reports.

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

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Specialist, at (651) 201-3285 or kelly.graggjohnson@state.mn.us.

Sincerely,

Amy Spong

Deputy State Historic Preservation Officer



LEECH LAKE BAND OF OJIBWE

Tribal Historic Preservation Office

Gina M Lemon, Tribal Historic Preservation Officer Anita M Cloud, Tribal Historic Preservation Assistant

April 17, 2024 Via Internet

Enbridge Attn: Jason Risdall; Manager, Regulatory Affairs 11 East Superior Street – Suite 125 Duluth, MN 55802

RE: Project name/number; Plummer Solar Project Update

Enbridge Inc., under its wholly owned Enbridge Solar LLC, is proposing a utility-scale solar facility with up to 130 MWac nameplate capacity adjacent to and just south of the Plummer municipal boundary in Red Lake County, MN.

Section(s) 14 & 15; T151N; R42W.

Red Lake County, MN

LL THPO No. 24-183-NCRI

Dear Jason Risdall,

Thank you for the opportunity to comment on the above referenced project. This have been reviewed pursuant to the responsibilities given to the Tribal Historic Preservation Officer (THPO) by the National Historic Preservation Act of 1966, as amended in 1992, and the Procedures of the Advisory Council on Historic Preservation (38CFR800).

I have reviewed the documentation. After careful consideration of our records, I have determined that the Leech Lake Band of Ojibwe does not have any known recorded sites of religious or culturally identified resources in these areas.

Should any human remains or suspected human remains be encountered, all work shall cease and the following personnel should be notified immediately: County Sheriff's Office and the Office of the State Archaeologist. If any human remains or culturally affiliated objects are inadvertently discovered, this will prompt the process to which the Band will become informed.

Please note the above determination does not "exempt" future projects from Section 106 review. In the event of any other tribe notifying us of concerns for a specific project, we may reenter into the consultation process.

You may contact me at (218) 335-2940 if you have questions regarding our review of this project. Please refer to the **LL-THPO Number** as stated above in all correspondence with this project.

Respectfully submitted,

Gína M Lemon

Tribal Historic Preservation Officer

In the Matter of the Application of Enbridge Solar (Plummer), LLC for a Site Permit for the up to 130 MW Plummer Solar Project in Red Lake County, Minnesota.

MPUC Docket No. IP-7103/GS-22-451

CERTIFICATE OF SERVICE

Alicia P. LaValla certifies that on the 15th day of August, 2024, she e-filed a true and correct copy of the filing letter and additional agency correspondence on behalf of Enbridge Solar (Plummer), LLC via eDockets (www.edockets.state.mn.us).

Said documents were also served as designated on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on August 15, 2024

/s/ Alicia P. LaValla

Fredrikson & Byron, P.A. 60 South Sixth Street, Suite 1500 Minneapolis, MN 55402-4400

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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.st ate.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-451_Official CC Service List
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Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_22-451_Official CC Service List
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Adam	Sullivan	adam.sullivan@enbridge.c om	Enbridge Energy Limited Partnership	26 East Superior Street Suite 309 Duluth, MN 55802	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Tom	Swafford	tswafford@umsi.us	Utility Mapping Services, Inc	3947 E Calvary Rd Suite 103 Duluth, MN 55803	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Todd	Tadych	ttadych@atcllc.com	American Transmission Company LLC	5303 Fen Oak Dr Madison, WI 53718	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Jayme	Trusty	execdir@swrdc.org	SWRDC	2401 Broadway Ave #1 Slayton, MN 56172	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency	Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago, IL 60604-3590	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Caren	Warner	caren.warner@state.mn.us	Department of Commerce	85 7th Place East Suite 280 St. Paul, MN 55101-2198	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.m n.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_22-451_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Elizabeth	Wefel	eawefel@flaherty- hood.com	Flaherty & Hood, P.A.	525 Park St Ste 470 Saint Paul, MN 55103	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Alan	Whipple	sa.property@state.mn.us	Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul, MN 551463340	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Deanna	White	mncwa@cleanwater.org	Clean Water Action & Water Fund of MN	330 S 2nd Ave Ste 420 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_22-451_Official CC Service List
Jonathan	Wolfgram	Jonathan.Wolfgram@state. mn.us	Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury, MN 55125	Electronic Service	No	OFF_SL_22-451_Official CC Service List