

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

- Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)


Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Chad Billat	<input checked="" type="checkbox"/> BWSR TEP Member: Alyssa Core
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input checked="" type="checkbox"/> DNR Representative: Jeanine Vorland	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	
<input checked="" type="checkbox"/> Applicant:	<input checked="" type="checkbox"/> Agent/Consultant:

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: David Studenski	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input type="checkbox"/> Other:

Signature: 	Date: 10/27/2020
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This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: Freeborn County County: Freeborn County	
Landowner/Applicant: Hayward Solar: Gamira Kalra Agent/Representative(s): Kathy Belrichard-TetraTech	
Project Name: Hayward Solar	Project No. (if any): W2020005
Project Location: Hayward township - section 11,12,13,14 (T102, R20)	

Purpose of TEP Findings/Recommendation - check all that apply and describe

<input type="checkbox"/> Pre-application review <input checked="" type="checkbox"/> Application Review (related to WCA Decision) <input type="checkbox"/> Local Government Road Wetland Replacement Program Eligibility <input type="checkbox"/> WCA Determination Request <input type="checkbox"/> Other (specify): Describe: TEP to review boundary/type of wetlands for proposed 1,611 acre solar farm

Meeting Type – check all that apply and specify dates as applicable

<input type="checkbox"/> In-Person Meeting(s), Date(s): <input checked="" type="checkbox"/> Onsite Review(s), Date(s): 10/8/2020	<input type="checkbox"/> Electronic Exchanges (email, skype, etc.) <input type="checkbox"/> Other (specify):
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Findings and Recommendations

TEP met onsite to review boundary/type of wetlands in harvested bean field. Majority of wetlands were located in parcel: 070130010. Landowner had to replant drowned out soybeans. Such areas were left unharvested at time of visit. Drowned out areas aligned with proposed wetland boundaries. In wetland areas successfully harvested, equisetum arvense (horsetail) was present. TEP concurs with applicant on boundary and type of wetlands.
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<input type="checkbox"/> Attachment(s) (specify):

DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, DNR representative is a member of the TEP.
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Signatures

<input checked="" type="checkbox"/> LGU TEP Member: Signature: <i>Rachel Ueb</i>	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 10/27/2020
<input checked="" type="checkbox"/> SWCD TEP Member: Signature: <i>Chris Rich</i>	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 10/14/2020
<input checked="" type="checkbox"/> BWSR TEP Member: Signature: <i>Alyssa Core</i>	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 10/15/2020
<input type="checkbox"/> DNR TEP Member: Signature:	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No Date:



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

December 14, 2020

Regulatory File No. MVP-2020-01963-RMH

Hayward Solar LLC
c/o: Garima Kalra
GKalra@arevonenergy.com

Dear Ms. Kalra:

We are responding to your request, submitted by Kathy Bellrichard (Tetra Tech) on your behalf, for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the Hayward Solar site. The project site is in Sections 11-14, Township 102 North, Range 20 West, Freeborn County, Minnesota.

We have conducted a preliminary review of the delineation report, dated September 18, 2020, and generally concur that the review area shown on the enclosed figures labeled MVP-2020-01963-RMH Page 1 of 4 through 4 of 4 depicts a reasonable approximation of the location and boundaries of aquatic resources on the property. This delineation can be used for planning and will generally be sufficient for permitting purposes. It may be necessary to review this determination in response to changing site conditions or new information. If a state or local agency conducts a site visit and requires revisions to the delineation, submit the updated delineation report.

No jurisdictional determination was prepared for this project, nor is one required to support a permit application. If you submit a permit application, we will assist you in identifying aquatic resources that are not subject to Corps regulation to exclude those resources from the permit evaluation. A permit application should include this delineation, any subsequent revisions, and any state or local delineation approvals. You are advised that receipt of a permit or exemption from a state or local agency does not satisfy the requirement to obtain a Corps permit where one is needed.

Please note that the Corps has issued Nationwide General Permits and Regional General Permits that provide authorization for many minor activities. Many of those general permits require a pre-construction notification and Corps verification prior to starting work. However, several general permits also have "self-certifying" provisions that eliminate the need to provide notice to the Corps, provided the permittee complies with the terms and conditions of the general permit. Current general permit terms and conditions can be found at: <https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

Regulatory Branch (File No. MVP 2020-01963-RMH)

If you have any questions, please contact me in our St. Paul office at (651) 290-5355 or Raelene.hegge@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Raelene Hegge
Regulatory Specialist

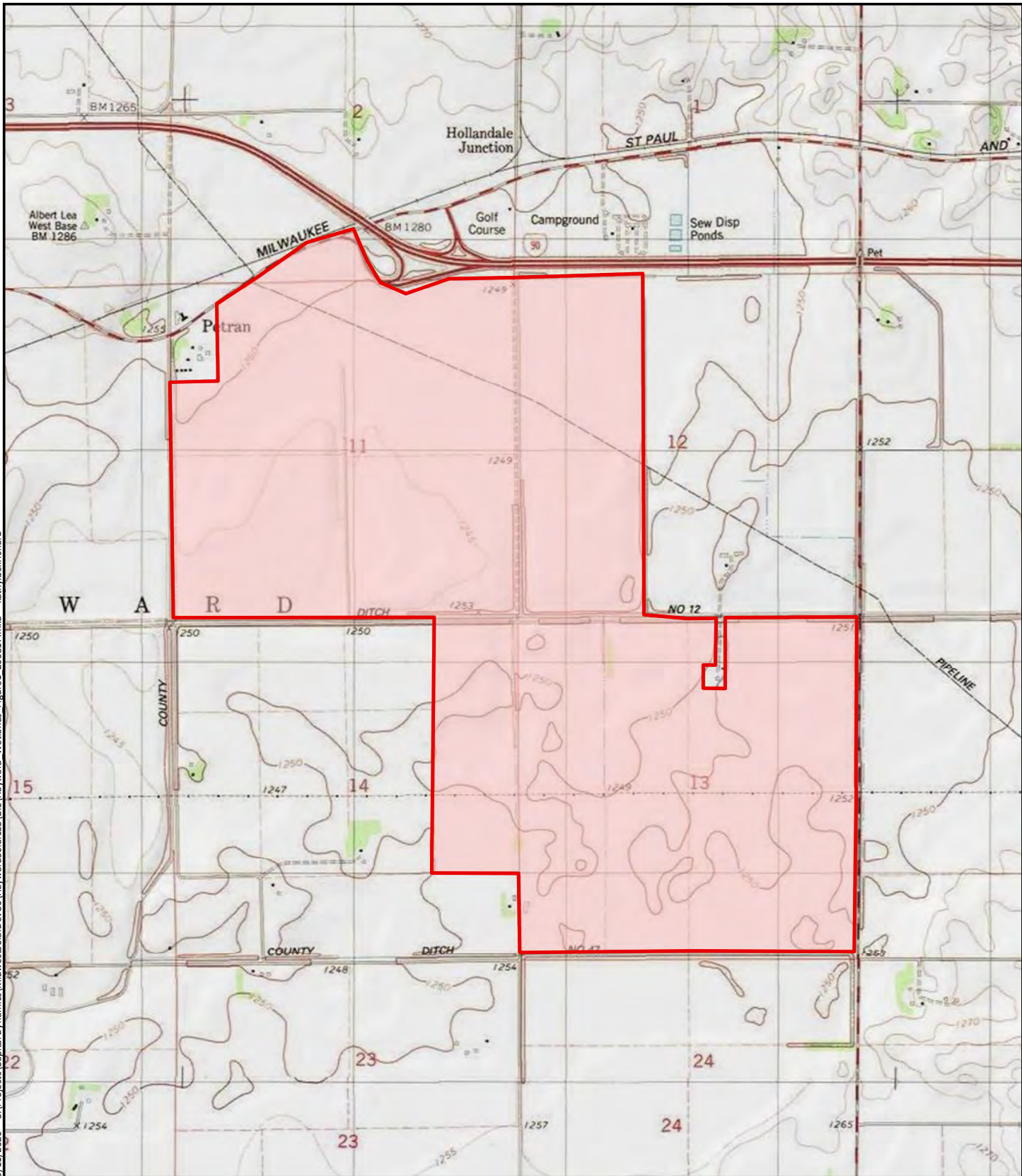
cc:

Kathy Bellrichard, Tetra Tech (kathy.bellrichard@tetratech.com)

Alyssa Core, BWSR (alyssa.core@state.mn.us)

Rachel Wehner, LGU (Rachel.wehner@co.freeborn.mn.us)

9/11/2020 S:\Projects\Capital Dynamics\MidwestSolarDevCo\HaywardSolar\GIS\Hayward Wetlands Figure1_200817.mxd kathy.bellrichard

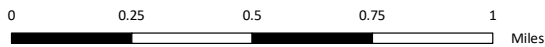


Source: Map adapted from ArcGIS USA Topo 24k Map Server: 1982 USGS Hayward and Myrtle, Minnesota 7.5-minute Topographic Quadrangles. Scale: 1:24,000

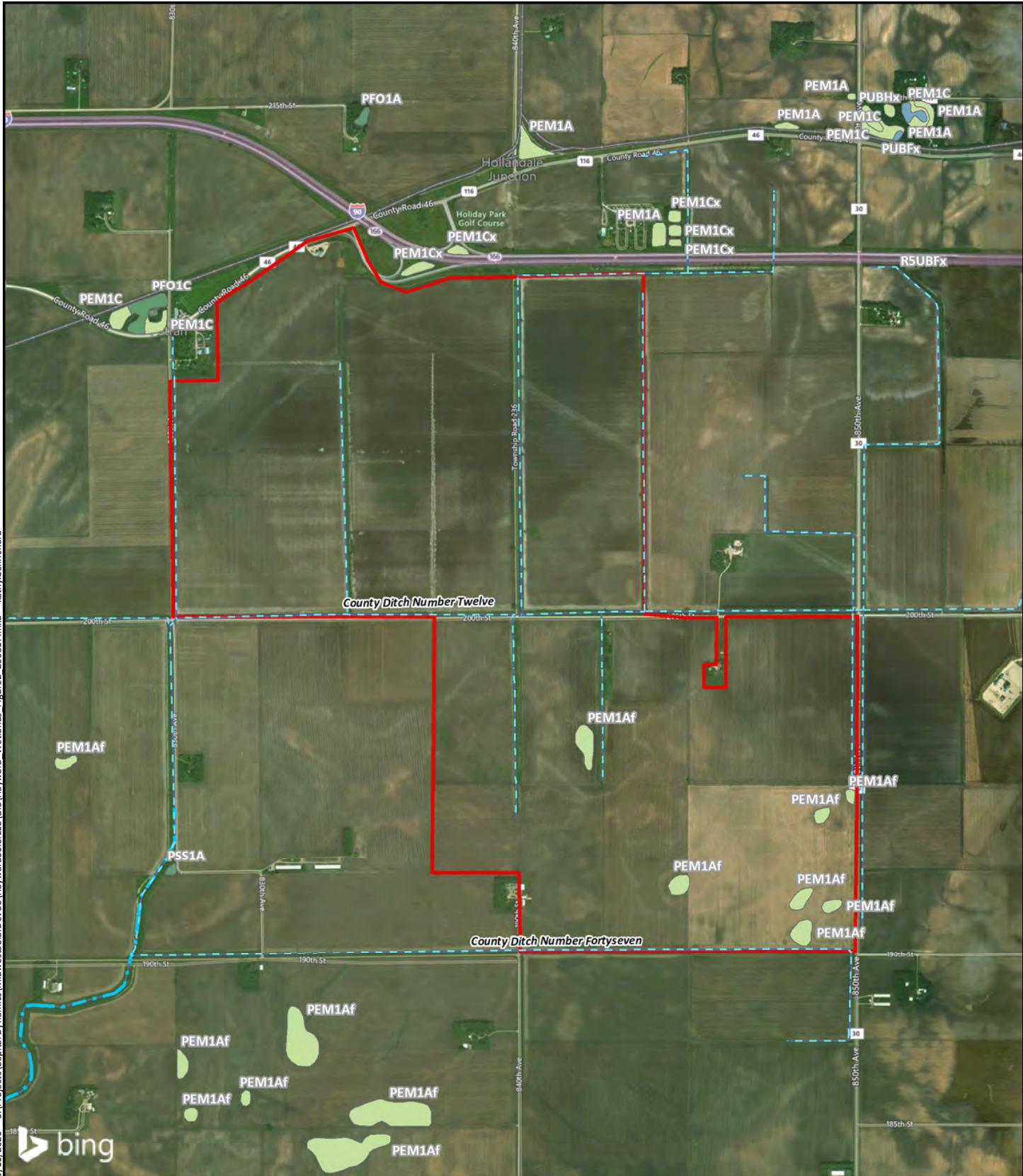


Project Area

Figure 1 - Project Location
Hayward Solar
County Highway 30 and 200th Street
Freeborn County, Minnesota



9/11/2020 S:\Projects\Capital Dynamics\MidwestSolarDevCo\HaywardSolarLLC\GIS\Hayward Wetlands Figure2_200817.mxd kathy.bellrichard

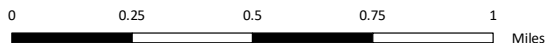


Source: Source: Map adapted from Bing Maps Hybrid Map Server; NWI by USFWS; NHD by USGS; PWI by MN DNR. Scale: 1:24,000

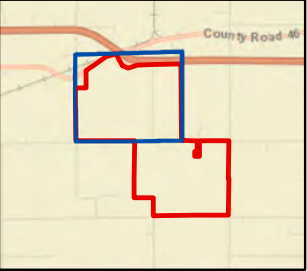
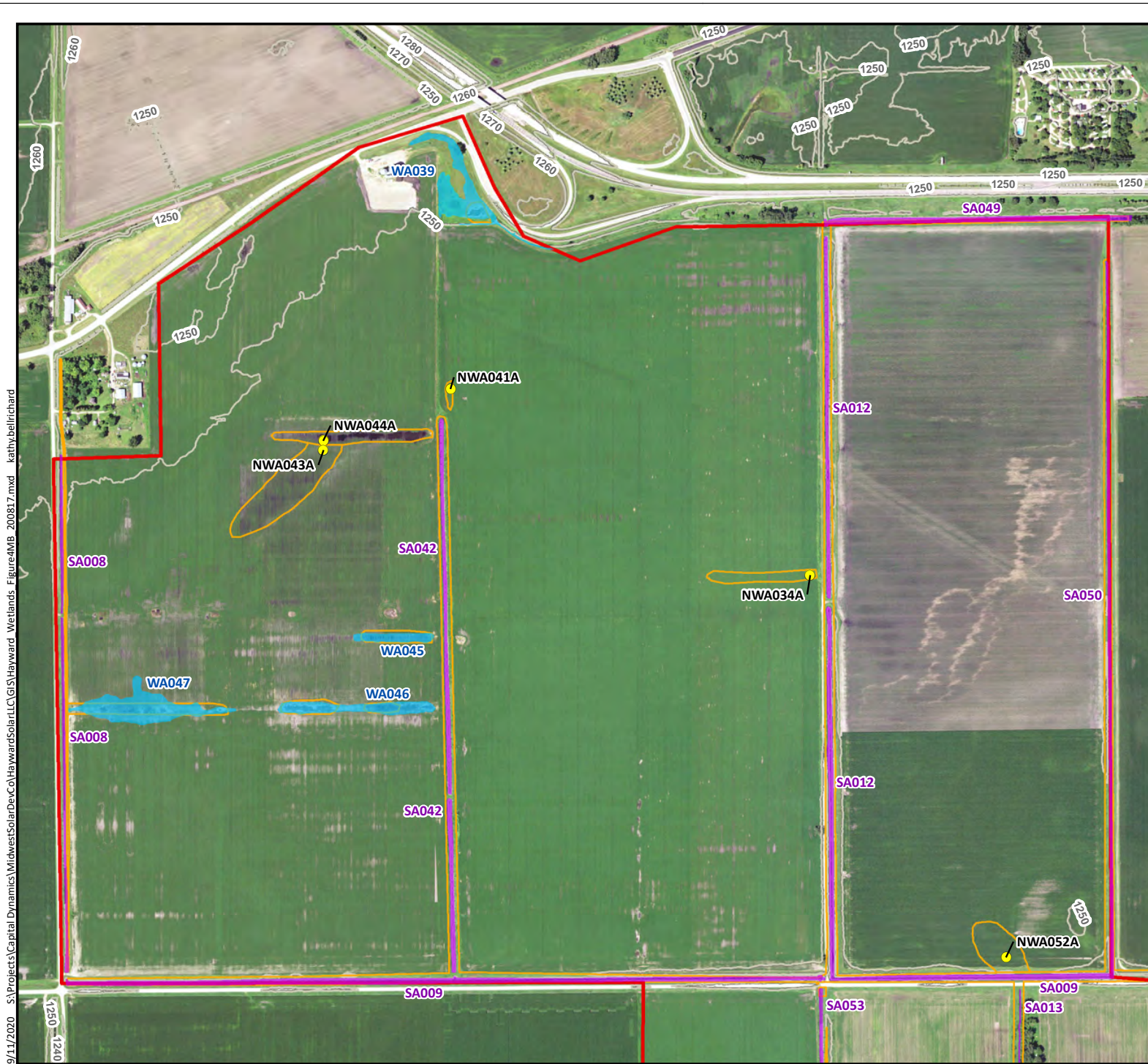


- | | | | |
|---------------------|-----------------------------------|---------------------------|------------------|
| NWI Wetlands | | NHD Classification | |
| | Freshwater Emergent Wetland | | Ditch |
| | Freshwater Forested/Shrub Wetland | | DNR Public Water |
| | Freshwater Pond | | Watercourse |
| | Riverine | | Project Area |

**Figure 2 - NWI, NHD, and PWI
Hayward Solar
County Highway 30 and 200th Street
Freeborn County, Minnesota**



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- Non-Wetland Sample Point
 - Desktop Wetlands and Waters
 - Surveyed Wetland
 - Surveyed Stream
- Contour**
- Index
 - - - Index Depression
 - Project Area

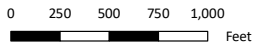
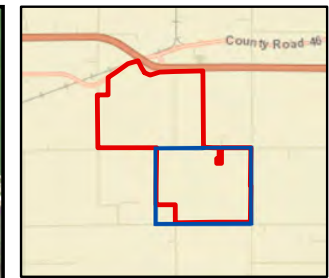
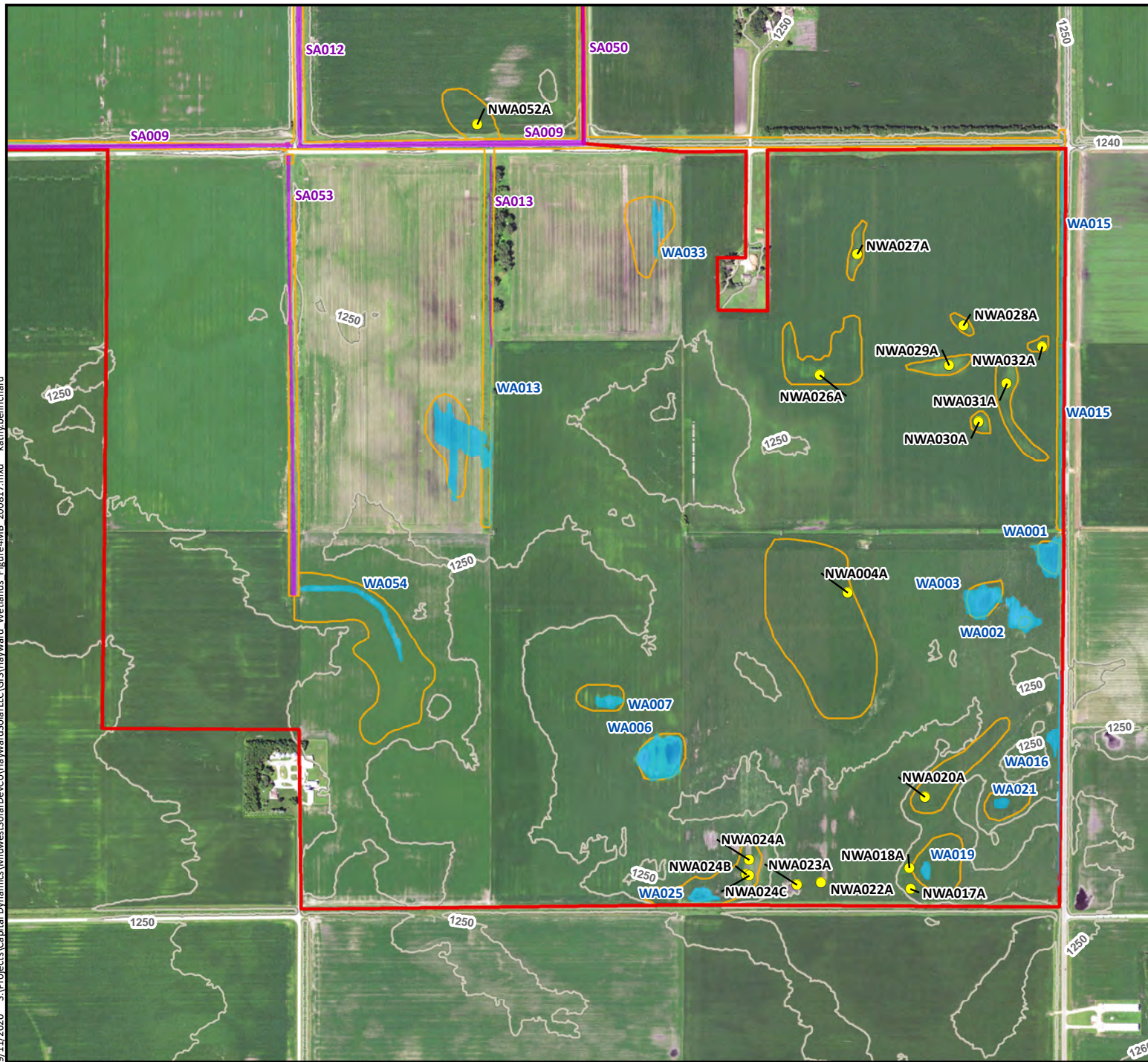


Figure 4 - North Wetlands and Waters Survey Results Hayward Solar County Highway 30 and 200th Street Freeborn County, Minnesota



Source: Map adapted from 2019 NAIP; MN DNR Elevation, Tetra Tech Field wetlands and waters. Scale: 1:11,000

9/11/2020 S:\Projects\Captial Dynamics\MidwestSolarDevCo\HaywardSolar\GIS\Hayward Wetlands Figure4MB 200817.mxd kathybellrichard



- Non-Wetland Sample Point
 - Desktop Wetlands and Waters
 - Surveyed Wetland
 - Surveyed Stream
- Contour**
- Index
 - Index Depression
 - Project Area



Figure 4 - South Wetlands and Waters Survey Results Hayward Solar County Highway 30 and 200th Street Freeborn County, Minnesota



Source: Map adapted from 2019 NAIP; MN DNR Elevation, Tetra Tech Field wetlands and waters. Scale: 1:11,000

Bellrichard, Kathy

From: Bellrichard, Kathy
Sent: Monday, January 4, 2021 10:30 AM
To: Raelene.Hegge@usace.army.mil
Cc: 'usace_requests_mn@usace.army.mil'; Holven, Adam
Subject: 2020-01963 Hayward Solar
Attachments: Hayward Solar Request for Comments USACE 1-4-2021.pdf; Hayward Solar Project Location 12-16-2020.pdf

Hello Raelene, please see the attached letter regarding the proposed Hayward Solar project in Freeborn County, Minnesota.

Thank you,

Kathy Bellrichard | Wetland Specialist
Direct (612) 643-2233 | Fax (612) 643-2201 | kathy.bellrichard@tetrattech.com

Tetra Tech | *Leading with Science*[®]
2001 Killebrew Drive, Suite 141 | Bloomington, MN 55425 | tetrattech.com

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January 4, 2021

Raelene Hegge, Project Manager
U.S. Army Corps of Engineers
St. Paul District - Regulatory
180 5th Street East
Suite 700
St. Paul, MN 55101

**RE: Request for Comments on Hayward Solar Energy Project in Freeborn County, Minnesota
Regulatory File Number: MVP-2020-01963-RMH**

Dear Raelene Hegge:

Tetra Tech Inc., on behalf of Hayward Solar LLC (Hayward Solar), is gathering information and requesting agency comments for the proposed Hayward Solar Energy Project (Project) in Freeborn County, Minnesota (**Figure 1**). A *Joint Application Form for Activities Affecting Water Resources in Minnesota* (Joint Application) was submitted to you in October 2020 requesting approval of wetland delineations completed at the Project site. The Project was assigned U.S. Army Corps of Engineers Regulatory File Number MVP-2020-01963-RMH and a response to the Joint Application concurring with the results of the wetland delineation survey was received dated December 14, 2020. The purpose of this letter is to provide you with additional details regarding the proposed Project, seek your input regarding any permits or approvals that may be required, and identify interests your organization may have in the Project Area (herein described) or surrounding vicinity.

The Project has a proposed nameplate energy generation capacity of up to 150 megawatts (MW) alternating current (AC). An area of about 1,642 acres is being evaluated for siting the Project (Project Area). The Project Area is located in portions of Sections 2 and 11 through 14 in Township 102 North, Range 20 West (Hayward Township) in Freeborn County, MN. A map of the Project Area location and boundary is enclosed for your reference (**Figure 1**). The current project area described in this letter is slightly different than what was presented in the Joint Application. Additional wetland surveys are planned for Spring 2021 and another Joint Application will be submitted after that time, if needed.

Land use within the Project Area is currently row-crop agriculture.

The Project's facilities will include:

- Solar modules, inverters, and racking;
- Fencing;
- Access roads;
- Operations and Maintenance (O&M) building;
- Project substation;
- Power transformer;
- Overhead transmission line;
- On-site electrical collection lines; and
- Ancillary equipment or buildings as necessary.

The proposed Project solar array layout and other facilities' locations have not been finalized at this time. Foundations for the solar arrays will be driven steel piles. Fencing will consist of an appropriately sized fence and material. Gates will be secured with lock boxes. Access will be controlled by the Project owner with access provided to local emergency response officials as needed. Access roads will be installed as necessary to allow access to Project facilities for O&M of the Project. Road design includes stripping the surface vegetation root zone for the width of the road and placing compacted aggregate over the stabilized subgrade. Mechanical stabilization, such as geotextile reinforcement, may also be employed on top of compacted subgrade before aggregate placement. The O&M building, Project substation and switching station are currently planned to be located together at the north end of the Project Area with access via County Highway 46 (**Figure 1**).

The switching station (to be owned, permitted and constructed by Southern Minnesota Municipal Power Agency [SMMPA]) will be used to interconnect the Project to an existing transmission line (point of interconnection or POI). The electrical collection lines between the solar arrays/inverters and Project substation will be 34.5 kilovolt (kV) and may be installed aboveground or direct buried in a trench at a reasonable and standard industry practice depth. Directional boring may be used to install collectors at some portions of the Project.

A short (approximately 200-foot) 161 kV overhead electrical transmission (gen-tie) line will be installed between the Project substation and the switching station.

Hayward Solar will seek a Certificate of Need (CON) and Site Permit (SP) from the Minnesota Public Utilities Commission (PUC) for the Project. The proposed transmission line for the Project will not require a Route Permit from the PUC because it does not exceed applicable rules that require PUC approval. However, transmission facilities will be included and described in the applications for the CON and SP. Hayward Solar plans to submit the CON and SP applications to the PUC in Spring 2021. Construction of the Project is anticipated to begin after issuance of the CON and SP, which would likely be during Summer 2022. Hayward Solar plans to construct the Project on a schedule that facilitates an in-service date in 2023.

We welcome any comments your agency may have at this time and throughout the PUC CON and SP application processes. Please provide comments within 30 days of receipt of this letter. Any written agency comments provided in response to this letter will be incorporated into the PUC's review of the SP Application that will be submitted in early 2021.

If you require further information or have questions regarding this matter, please contact me at 612-643-2237 or at adam.holven@tetrattech.com.

Sincerely,



Adam Holven
Project Manager
Tetra Tech Inc.
2001 Killebrew Drive, Suite 141
Bloomington, Minnesota 55425

Enclosure: Figure 1 - Hayward Solar Project Location