

Appendix C

Agency Coordination & Correspondence

Byron Solar Project
Dodge and Olmsted counties, Minnesota

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October 20, 2020

Scott Wentzell
EDF Renewables
10 NE 2nd Street, Suite 400
Minneapolis, MN 55413

Dear Mr. Wentzell

Thank you for submitting the Solar Size Determination request for EDF Renewable's (EDFR) proposed 200 MW Byron Solar project in Dodge County.

The Department is responsible for reviewing these applications to determine "whether a combination of solar energy generating systems meets the definition of large electric power generating plant and is subject to the commission's siting authority jurisdiction" (Minnesota Statute 216E.021, Subd. a).

EDFR is currently pursuing four separate utility-scale solar projects in Minnesota. Based on information provided by the Applicant, and based on criteria established in the statute, the Department has determined that the Byron Solar project is not associated with any of these 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 is 200 MW, the Department determines that Byron Solar is subject to the Public Utilities Commission's siting authority and must submit an application for a site permit under the Power Plant Siting Act (Minnesota Statute 216E).

EDFR has the right to dispute this determination with the Chair of the Public Utilities Commission.

I am available to answer any questions you might have.

Sincerely,

/s/ Louise Miltich
Energy Environmental Review and Analysis

cc: Bret Eknes, Public Utilities Commission
Christina Brusven, Fredrikson & Byron

Shannon Hansen

From: Service, Customer (DEED) <deed.customerservice@state.mn.us>
Sent: Friday, March 19, 2021 5:04 PM
To: David Weetman
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Hello, You can contact the Business and Community Development Office at 651-259-7432.

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 4:00 PM
To: Service, Customer (DEED) <deed.customerservice@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

Shannon Hansen

From: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Sent: Friday, March 19, 2021 4:11 PM
To: scott.wentzell@edf-re.com
Cc: Warzecha, Cynthia (DNR); Collins, Melissa (DNR); David Weetman
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties
Attachments: 210319_DNR Ecologist.pdf

Hello Scott,

We received the attached review request – thank you. Can you please send a shapefile of the project footprint as well as any infrastructure/impacted areas (turbine locations, crane paths, lay down areas, etc.) that have been developed thus far?

We note that this project crosses two DNR regions, and as such, Melissa and I (who cover each of the regions) will coordinate review with Cynthia and provide comments. Melissa and I will be your primary DNR point of contact until the PUC application is submitted and Cynthia after that. But please continue to direct project correspondence to the three of us.

Thanks,

Joanne Boettcher
Regional Environmental Assessment Ecologist
MNDNR – Mankato
(507) 389-8813



From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 3:55 PM
To: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Cynthia and Joanne,

Please see the attached notification letters in regards to the Byron Solar Project.

Thanks!

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

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Minnetonka, MN 55343

westwoodps.com
(888) 937-5150



EDF Renewables North America
15445 Innovation Drive
San Diego, CA 92128
www.edf-re.com

March 19, 2021

Joanne Boettcher
Regional Environmental Assessment Ecologist
Minnesota DNR
117 Rogers St
Mankato, MN 56001

Re: Byron Solar Project, Dodge and Olmsted Counties, Minnesota
File 0028109.00

Dear Ms. Boettcher:

Byron Solar Project, LLC (“Byron Solar”), a subsidiary of EDF Renewables, Inc., is developing the Byron Solar Project (“Project”). The project is proposed to be a 200-megawatt (MW) nameplate capacity utility-scale solar facility situated on approximately 1,600 acres in Dodge and Olmsted Counties, Minnesota. A map of the project location and associated boundary is enclosed. The Project will include single-axis PV arrays installed on driven piles, inverters, security fencing, trenched electrical cables, a project substation, temporary laydown areas and gravel access roads. A 345 kV transmission line, less than five miles long, will also be needed to interconnect the Project to the Byron substation.

The table below provides the sections of land included in the Project boundary.

County	Township	Range	Section
Dodge	106N	16W	2, 3, 10, 11, 12, 13, 14, 15
Dodge	107N	16W	25, 35, 36
Olmsted	107N	15W	30, 31

The proposed Project area consists of solely agricultural land that is routinely disturbed by traditional farming techniques. The Project has been sited in an agricultural area in an effort to reduce the need for land clearing and minimize typical construction processes such as surface grading and soil compaction. Tree clearing is planned to be avoided to the maximum extent possible.

March 19, 2021

Page 2

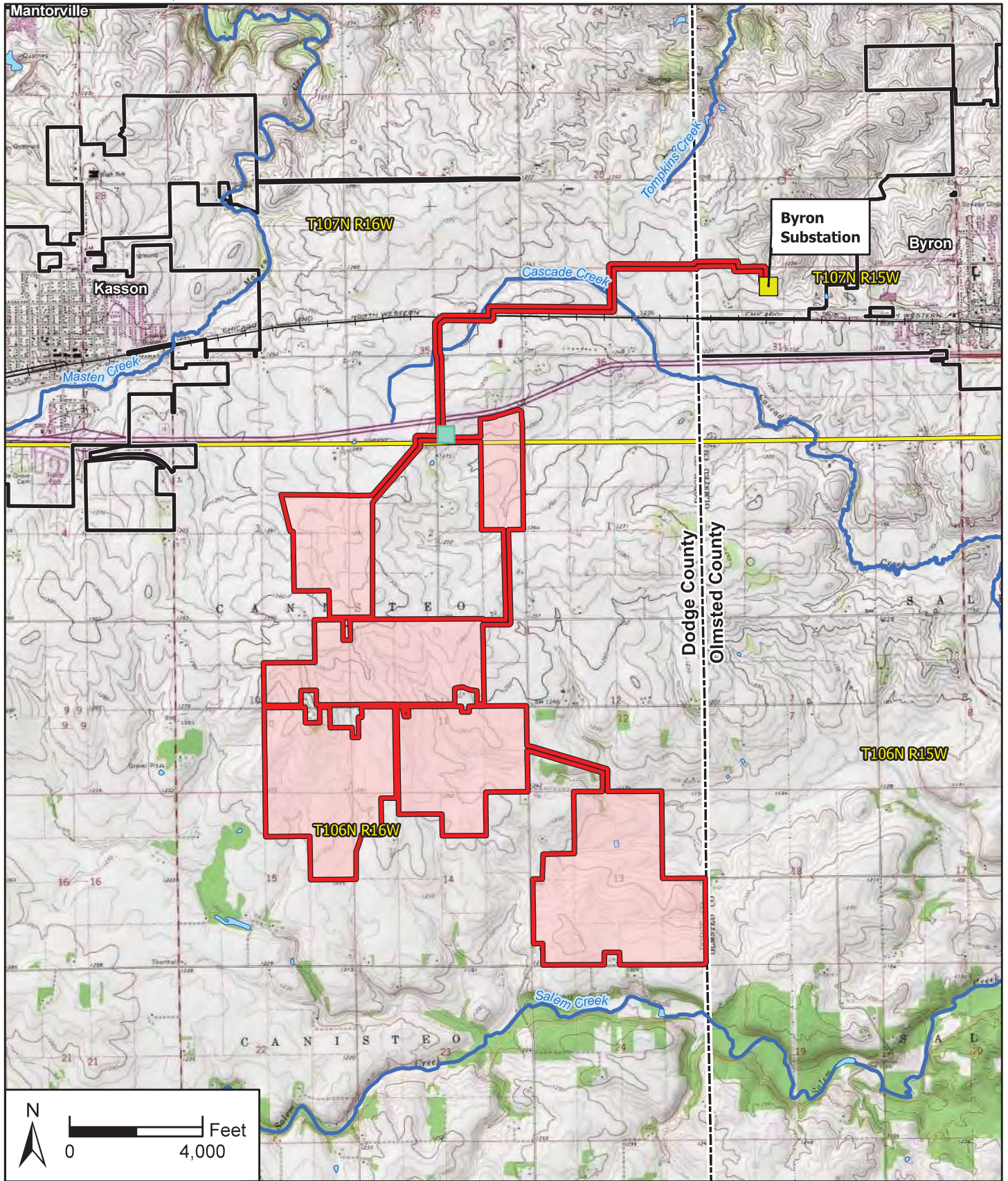
Pursuant to Minnesota Statutes, Sections 216E.01 and 216E.03, the Project will require a site permit from the Minnesota Public Utilities Commission (“MPUC”), and a certificate of need (“CN”) in accordance with Minn. Stat. § 216B.243. The transmission line will require a route permit from the MPUC because it is greater than 100 kV and is more than 1,500 feet in length. Additionally, no aspect of the project is anticipated to trigger Section 106 of the National Historic Preservation Act.

EDF Renewables plans to apply for a CN and site permit from the MPUC in summer 2021 to meet planned construction and a Commercial Operation Date (COD) anticipated in 2023. Written comments provided in response to this letter will be incorporated into the MPUC’s review process. If you have questions or require further information regarding the project, I can be reached at (612) 486-4523 or via email Scott.Wentzell@edf-re.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Wentzell', with a large, sweeping flourish extending to the right.

Scott Wentzell
Project Developer

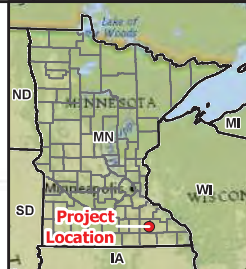


Data Source(s): Westwood (2021); MNDNR (Various Dates); US Census Bureau (2019); NED (2016); USGS NHD Dataset(2013); USFWS NWI (2017); Esri USGS Topo Basemap (Accessed 2021).



Phone (952) 937-5150 12/01 Whitewater Drive, Suite #300
 Fax (952) 937-5822 Minnetonka, MN 55343
 Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.



Legend

- Project Area Boundary
- Existing Substation
- Project Substation
- NHD Flowline
- NHD Waterbody
- Railroad
- County Boundary
- Municipal Boundary
- PLS Township Boundary

Byron Solar Project

Dodge and Olmsted Counties, Minnesota

Project Location

March 16, 2021

Shannon Hansen

From: PW SWCD <swcd@CO.OLMSTED.MN.US>
Sent: Friday, March 19, 2021 4:22 PM
To: David Weetman
Subject: Olmsted County Soil and Water Conservation District

Thank you for writing to the Olmsted County Soil and Water Conservation District. We are routing your email to the proper department or person. This response is to let you know that we did receive your inquiry and will respond to it as quickly as possible.

Shannon Hansen

From: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Sent: Sunday, March 21, 2021 7:38 PM
To: David Weetman
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Good Afternoon,

Thank you for reaching out for Tribal input on this project even though it does not trigger Section 106. We appreciate the efforts to stay within agricultural land for a smaller impact, however traditional farming techniques disturbed the top soils and above ground signs of cultural site but there is still a chance for buried features.

Will there be or has there been archaeological work and would it be possible to get a more detailed map of the planned layout so my office could take a closer look at more specific areas

Thank you,

Samantha Odegard

Tribal Historic Preservation Officer
Upper Sioux Community
PO Box 147 Granite Falls, MN 56241
samanthao@uppersiouxcommunity-nsn.gov
Office Phone: 320-564-6334

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 4:03 PM
To: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

Samantha,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

Shannon Hansen

From: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>
Sent: Monday, March 22, 2021 9:51 AM
To: David Weetman
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Received. Thank you for the introductory letter regarding the Byron Solar project. Joanne Boettcher will be your primary contact until the site permit application is submitted to the PUC. Thereafter, I will be your primary contact.

Thanks!

Cynthia

Cynthia Warzecha
Energy Projects Planner

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, MN 55155
Phone: 651-259-5078
Email: cynthia.warzecha@state.mn.us



From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 3:55 PM
To: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Cynthia and Joanne,

Please see the attached notification letters in regards to the Byron Solar Project.

Thanks!

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419

main (952) 937-5150
cell (612) 849-5320

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Minnetonka, MN 55343

westwoodps.com

(888) 937-5150

From: Shafer, Janel Ann CIV (USA) <Janel.A.Shafer@usace.army.mil>
Sent: Monday, March 22, 2021 2:17 PM
To: David Weetman
Cc: HEGGE, RAELENE CIV USARMY CEMVP (USA); alyssa.core@state.mn.us; bangerman@whks.com; mark.gamm@co.dodge.mn.us
Subject: MVP-2021-00516-RMH (Bryon Solar)
Attachments: [2021-00516-RMH-ACK.pdf](#)

Hello,

Attached please find the subject document. A hard copy will not be sent. If you wish to receive a hard copy of this letter please respond to this email. If you have any other questions, please contact the project manager indicated in the letter.

Janel A. Shafer
Office Automation Assistant
US Army Corps of Engineers
St. Paul District Office
180 5th St E, Suite 700
St. Paul, MN 55101
Office 651-290-5762

Information on Corps of Engineers Regulatory Program status during the COVID-19 pandemic can be found at: <https://www.mvp.usace.army.mil/missions/regulatory>

We are pleased to introduce our new paperless communication procedures in Minnesota & Wisconsin. Requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals) should be sent directly to the following email: (in MN) usace_requests_mn@usace.army.mil (in WI) usace_requests_wi@usace.army.mil. Please include the county name in the subject line of the email (e.g. Washington County). These changes will improve efficiency, reduce costs and reduce the environmental footprint. Additional information can be found in our public notice located here: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>



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

03/22/2021

Regulatory File No. MVP-2021-00516-RMH

THIS IS NOT A PERMIT

David Weetman
Westwood Professional Services
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

Dear Mr. Weetman:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2021-00516-RMH

Applicant: Scott Wentzell

Project Name: Bryon Solar

Project Location: Section 2 of Township 106 N North, Range 16 W, Dodge County, Minnesota (Latitude: 44.0148353434763; Longitude: -92.7080045226754)

Received Date: 03/19/2021

Project Manager: Raelene Hegge
(651) 290-5355
Raelene.Hegge@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch

Shannon Hansen

From: Shannon Hansen
Sent: Monday, March 22, 2021 10:47 AM
To: Boettcher, Joanne (DNR)
Cc: Warzecha, Cynthia (DNR); Collins, Melissa (DNR); David Weetman; Scott Wentzell
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties
Attachments: Byron_ProjectBoundary_210316.zip

Good morning Joanne,

Attached is the project boundary in a zipped shapefile format. Let me know if you have any questions about the data.

Regards,
Shannon

Shannon Hansen

Sr. Permitting Specialist
shannon.hansen@westwoodps.com

direct (952) 207-7653
main (952) 937-5150
cell (612) 702-0936

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

From: Scott Wentzell <Scott.Wentzell@edf-re.com>
Sent: Monday, March 22, 2021 9:16 AM
To: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Cc: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>; David Weetman <David.Weetman@westwoodps.com>; Shannon Hansen <Shannon.Hansen@westwoodps.com>
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

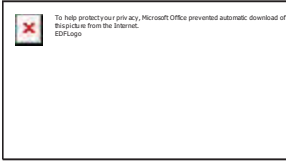
Hello Joanne,

Thank and I we will be sure to coordinate with all three of you moving forward.

We are finalizing our development plans and should be able to get you a shapefile with proposed infrastructure by early next week. Westwood is supporting that design work, and David Weetman, copied here, can send those shapefiles.

In the meantime, I've copied Shannon Hansen. Shannon, could you please send a shapefile of the project area boundary?

Thank you,
Scott



Scott Wentzell

Project Developer

T: 612-486-4523

M: 617-637-0376



Disclaimer: This email and any attachments sent to EDF employees or their intended recipients should be considered confidential, may contain legal, professional and/or other privileged information, and intended solely for the addressee. If you are not the intended recipient, do not use the information in this email in any way; delete and notify the sender.

From: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>

Sent: Friday, March 19, 2021 4:11 PM

To: Scott Wentzell <Scott.Wentzell@edf-re.com>

Cc: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>;

David Weetman <David.Weetman@westwoodps.com>

Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

EXTERNAL EMAIL : This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Hello Scott,

We received the attached review request – thank you. Can you please send a shapefile of the project footprint as well as any infrastructure/impacted areas (turbine locations, crane paths, lay down areas, etc.) that have been developed thus far?

We note that this project crosses two DNR regions, and as such, Melissa and I (who cover each of the regions) will coordinate review with Cynthia and provide comments. Melissa and I will be your primary DNR point of contact until the PUC application is submitted and Cynthia after that. But please continue to direct project correspondence to the three of us.

Thanks,

Joanne Boettcher
Regional Environmental Assessment Ecologist
MNDNR – Mankato
(507) 389-8813



From: David Weetman <David.Weetman@westwoodps.com>

Sent: Friday, March 19, 2021 3:55 PM

To: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>

Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Cynthia and Joanne,

Please see the attached notification letters in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager

david.weetman@westwoodps.com

direct (952) 906-7419

main (952) 937-5150

cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300

Minnetonka, MN 55343

westwoodps.com

(888) 937-5150

Shannon Hansen

From: Amy Burnette <amy.burnette@llojibwe.net>
Sent: Tuesday, March 23, 2021 2:26 PM
To: David Weetman
Subject: Re: Byron Solar Project Notification, Dodge and Olmsted Counties

David here are the counties by state that I review. I will hivy you a call here too.
Amy Burnette, LLTHPO

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 4:10:19 PM
To: Amy Burnette <amy.burnette@llojibwe.net>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

Amy,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

Shannon Hansen

From: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Sent: Thursday, March 25, 2021 10:36 AM
To: David Weetman
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Hi David,
Thanks for sending me this notice. I'd be happy to review your Ag Impact Mitigation Plan and your Vegetation Management Plan when you have drafts ready.
Steve

Steve Roos, PLA, ASLA
Environmental Planner
Energy and Environment Section
Agricultural Marketing and Development Division
Minnesota Department of Agriculture
625 Robert Street North
Saint Paul, MN 55155-2538
Ph: 651-201-6631 office, 651-245-2392 cell



www.mda.state.mn.us

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 4:00 PM
To: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Steve,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

Shannon Hansen

From: David Weetman
Sent: Thursday, March 25, 2021 10:50 AM
To: Roos, Stephan (MDA)
Cc: Scott Wentzell
Subject: Re: Byron Solar Project Notification, Dodge and Olmsted Counties

Thanks Steve,
We are in the process of preparing the draft and will plan to send to you when available for review and comment.
Best Regards,
David

Sent from my iPhone

On Mar 25, 2021, at 11:35 AM, Roos, Stephan (MDA) <stephan.roos@state.mn.us> wrote:

Hi David,
Thanks for sending me this notice. I'd be happy to review your Ag Impact Mitigation Plan and your Vegetation Management Plan when you have drafts ready.
Steve

Steve Roos, PLA, ASLA
Environmental Planner
Energy and Environment Section
Agricultural Marketing and Development Division
Minnesota Department of Agriculture
625 Robert Street North
Saint Paul, MN 55155-2538
Ph: 651-201-6631 office, 651-245-2392 cell

<image001.jpg>

www.mda.state.mn.us

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 4:00 PM
To: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Steve,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager

david.weetman@westwoodps.com

direct (952) 906-7419

main (952) 937-5150

cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com

(888) 937-5150

Shannon Hansen

From: Marsh, Dawn S <dawn_marsh@fws.gov>
Sent: Friday, March 26, 2021 9:47 AM
To: David Weetman
Cc: Marquardt, Shauna R
Subject: Re: [EXTERNAL] Byron Solar Project Notification, Dodge and Olmsted Counties

Good morning,

The U.S. Fish and Wildlife Service received your request for technical assistance with an environmental review, specifically concerning threatened and endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). We provide technical assistance through our [Information for Planning and Consultation](#) (IPaC) system. You can access the information you're looking for regarding federally listed species that could occur in your project area through IPaC by entering the geographic and activity details for your project. The system will generate an Official Species List, a list of federally listed species and designated critical habitat that may be impacted by your project. The species list also will include any species proposed for listing and any areas proposed as critical habitat that overlap with the project area. You then can refer to our [Section 7 website](#) for guidance and [technical assistance](#), including [step-by-step instructions](#) for making effects determinations for each species that might be present. If there is no suitable habitat for the species that IPaC indicates, then the appropriate determination is No Effect. You do not need to consult further with us for No Effect determinations, please simply document the logic and conclusion for your files.

To complete consultation specifically for northern long-eared bat (NLEB), please use our online assisted determination key ("d-key"). This tool streamlines consultation under the 2016 rangewide programmatic BO for the 4(d) rule. The d-key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary. You'll find the information you need at the links below.

[NLEB Section 7 consultation](#)
[Key to the NLEB 4\(d\) rule for federal actions that may affect](#)
[Instructions for the NLEB 4\(d\) assisted d-key](#)

Please let me know if you have any questions.

Thank you,
Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425
Tel: (952) 252-0092 x 202*
*Teleworking - please email to schedule a call

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 3:49 PM
To: Marquardt, Shauna R <Shauna_Marquardt@fws.gov>
Subject: [EXTERNAL] Byron Solar Project Notification, Dodge and Olmsted Counties

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

Shauna,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman

Environmental Permitting Manager

david.weetman@westwoodps.com

direct (952) 906-7419

main (952) 937-5150

cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com

(888) 937-5150

Shannon Hansen

From: David Weetman
Sent: Tuesday, March 30, 2021 3:38 PM
To: Samantha Odegard
Cc: Scott Wentzell; Ryan Grohnke
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Good afternoon Samantha,

Thank you for your patience as I was out of the office all of last week.

The archeological field work for the Byron Solar Project was largely done last fall, but we will be returning to the site in April/May of this year to complete the work (primarily within a narrow, roughly 3-mile corridor for the proposed transmission line). If a tribal representative is interested in visiting the site during this last remaining portion of the field work, we can let you know the exact dates once we have them scheduled.

Best Regards,
David

-----Original Message-----

From: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Sent: Tuesday, March 23, 2021 1:26 PM
To: David Weetman <David.Weetman@westwoodps.com>
Cc: Scott Wentzell <Scott.Wentzell@edf-re.com>; Shannon Hansen <Shannon.Hansen@westwoodps.com>
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Good Afternoon,

Does your company work with Tribes to have tribal representatives in the field with the Archaeologists?

Samantha Odegard
Tribal Historic Preservation Officer
Upper Sioux Community
PO Box 147 Granite Falls, MN 56241
samanthao@uppersiouxcommunity-nsn.gov
Office Phone: 320-564-6334

-----Original Message-----

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Tuesday, March 23, 2021 10:07 AM
To: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Cc: Scott Wentzell <Scott.Wentzell@edf-re.com>; Shannon Hansen <Shannon.Hansen@westwoodps.com>
Subject: Re: Byron Solar Project Notification, Dodge and Olmsted Counties

Good morning Samantha,

Thank you for your response. Yes, the project proposer is planning to complete archeological field work within the project disturbance limits, likely this spring. A more detailed map of the layout will be provided to your office once it is closer to final-hopefully in the coming weeks. Thank you for your interest in the project.

Best Regards,
David

Sent from my iPhone

> On Mar 21, 2021, at 8:38 PM, Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov> wrote:

>

> Will there be or has there been archaeological work and would it be possible to get a more detailed map of the planned layout so my office could take a closer look at more specific areas

Shannon Hansen

From: David Weetman
Sent: Tuesday, March 30, 2021 5:11 PM
To: Marsh, Dawn S
Cc: Marquardt, Shauna R
Subject: RE: [EXTERNAL] Byron Solar Project Notification, Dodge and Olmsted Counties

Thank you Dawn!
Regards,
David

David Weetman

Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

From: Marsh, Dawn S <dawn_marsh@fws.gov>
Sent: Friday, March 26, 2021 9:47 AM
To: David Weetman <David.Weetman@westwoodps.com>
Cc: Marquardt, Shauna R <Shauna_Marquardt@fws.gov>
Subject: Re: [EXTERNAL] Byron Solar Project Notification, Dodge and Olmsted Counties

Good morning,

The U.S. Fish and Wildlife Service received your request for technical assistance with an environmental review, specifically concerning threatened and endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). We provide technical assistance through our [Information for Planning and Consultation](#) (IPaC) system. You can access the information you're looking for regarding federally listed species that could occur in your project area through IPaC by entering the geographic and activity details for your project. The system will generate an Official Species List, a list of federally listed species and designated critical habitat that may be impacted by your project. The species list also will include any species proposed for listing and any areas proposed as critical habitat that overlap with the project area. You then can refer to our [Section 7 website](#) for guidance and [technical assistance](#), including [step-by-step instructions](#) for making effects determinations for each species that might be present. If there is no suitable habitat for the species that IPaC indicates, then the appropriate determination is No Effect. You do not need to consult further with us for No Effect determinations, please simply document the logic and conclusion for your files.

To complete consultation specifically for northern long-eared bat (NLEB), please use our online assisted determination key ("d-key"). This tool streamlines consultation under the 2016 rangewide programmatic BO for the 4(d) rule. The d-key helps to determine if prohibited take might occur and, if not, will

generate an automated verification letter. No further review by us is necessary. You'll find the information you need at the links below.

[NLEB Section 7 consultation](#)
[Key to the NLEB 4\(d\) rule for federal actions that may affect](#)
[Instructions for the NLEB 4\(d\) assisted d-key](#)

Please let me know if you have any questions.

Thank you,
Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425
Tel: (952) 252-0092 x 202*
*Teleworking - please email to schedule a call

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 3:49 PM
To: Marquardt, Shauna R <Shauna_Marquardt@fws.gov>
Subject: [EXTERNAL] Byron Solar Project Notification, Dodge and Olmsted Counties

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

Shauna,

Please see the attached notification letter in regards to the Byron Solar Project.

Thanks!

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

April 13, 2021

Regulatory File No. MVP-2021-00516-RMH

EDF Renewables North America
c/o: Scott Wentzell
Scott.Wentzell@edf-re.com

Dear Mr. Wentzell:

This letter is in response to correspondence we received from Westwood Professional Services regarding the Byron Solar Project. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

Regulatory Branch (File No. MVP-2021-00516-RMH)

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/>.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact Raelene Hegge 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:

David Weetman, Westwood (david.weetman@westwoodps.com)

Shannon Hansen

From: Scott Wentzell <Scott.Wentzell@edf-re.com>
Sent: Friday, April 16, 2021 2:00 PM
To: David Weetman; Brusven, Christina (CBrusven@fredlaw.com)
Cc: Adam Sokolski
Subject: FW: Byron Solar - DNR Early Coordination Comments
Attachments: WoodTurtleGuidance&Flier.pdf; Erosion_InvasiveSpecies_StandardGuidance_20200707.pdf

FYI



Scott Wentzell
Project Development Manager

T: 612-486-4523
M: 617-637-0376



Disclaimer: This email and any attachments sent to EDF employees or their intended recipients should be considered confidential, may contain legal, professional and/or other privileged information, and intended solely for the addressee. If you are not the intended recipient, do not use the information in this email in any way; delete and notify the sender.

From: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Sent: Friday, April 16, 2021 12:58 PM
To: Scott Wentzell <Scott.Wentzell@edf-re.com>
Cc: Gelvin-Innvaer, Lisa A (DNR) <lisa.gelvin-innvaer@state.mn.us>; Wagar, Joel D (DNR) <joel.wagar@state.mn.us>; Piepho, Todd (DNR) <todd.piepho@state.mn.us>; Bump, Samantha (DNR) <samantha.bump@state.mn.us>; Miltich, Louise (COMM) <louise.miltich@state.mn.us>; Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>; Benage, Megan (DNR) <megan.benage@state.mn.us>; Soupier, Craig (DNR) <craig.soupir@state.mn.us>; Vorland, Jeanine (DNR) <jeanine.vorland@state.mn.us>; Beste, Brent (DNR) <brent.beste@state.mn.us>; Gieseke, Tim (DNR) <tim.gieseke@state.mn.us>; Collett, Robert G (DNR) <robert.collett@state.mn.us>
Subject: Byron Solar - DNR Early Coordination Comments

EXTERNAL EMAIL : This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Hi Scott,

Please find the DNR early coordination notes and recommendations below.

General Recommendations:

- Refer to the DNR [Commercial Solar Siting Guidance](#) for general recommendations.
- For planning purposes, natural resource GIS data layers are available for download on the [Minnesota Geospatial Commons](#).
- We encourage all solar projects to establish native, pollinator-friendly vegetation using the [Prairie Establishment & Maintenance Technical Guidance for Solar Projects](#).
 - BWSR provides sample native [seed mixes](#); these or custom mixes can be supplied by native seed companies. Seed mixes should be designed by experienced restoration specialists and carefully selected to meet site conditions, particularly the soil moisture conditions.
- We recommend wildlife friendly erosion control and invasive species prevention best management practices (see attachment).

Site Notes and Recommendations:

- An [NHIS review](#) request needs to be submitted if not already done so. For your planning purposes, those reviews are taking about two months to process and the results are valid for one year.
 - Upon preliminary review of the NHIS database, our non-game wildlife staff flagged the potential for **state threatened Wood Turtles** along the Southern border of the project boundary. These animals are legally protected. Information, guidance, and a flier are attached to this email.
- A Grant-In-Aid Snowmobile trail that is sponsored by Dodge County crosses the length of this proposed area from northwest to southeast. This route is a major connection between Byron and Kasson. This is be State funded but not State owned and most of the system is on private land with the permission of the landowner. We recommend that you contact the trail sponsor as soon as possible to coordinate.
- On-site soils are mapped in the SSURGO data base ranging from well drained to poorly drained. Based on historic GLO maps, it does not appear that this area was historically a wetland. However, limited NWI wetlands and flowpaths are identified within the project boundary.
 - Be aware of flowpaths for planning purposes as erosion or complications could occur and should be prevented.
 - Consult the local WCA authority regarding any potential wetland impacts and necessary mitigation.
 - We recommend on-site analysis to determine the suitability of specific locations for development.
 - Avoid/minimize impacts to wetland or mucky soils by preventing compaction and maintaining soil structure. Avoid excavation and do not use these areas to stage equipment. If soil disturbance will be done, ensure top soils are replaced.
- If construction dewatering is necessary and exceeds the threshold of 10,000 gallons/day or a million gallons per year, a temporary [water use permit](#) is required.
- Much of the project footprint is within a sensitive groundwater area.
- The project footprint falls into three watersheds: Salem Creek, Cascade Creek, and Matsen Creek which are all part of the Zumbro River Major (HUC-8) Watershed.

Please let me know if you have any questions.

Thank you,

Joanne Boettcher

Regional Environmental Assessment Ecologist
MNDNR – Mankato
(507) 389-8813



Standard Erosion Control and Invasive Species Prevention Best Practices

Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodible surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

Referenced Links

https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf

<https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>

<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf

General Wood Turtle Guidance

Prepared by Lisa Gelvin-Innvaer MNDNR Southern Region Nongame Wildlife Specialist 4-14-2021

A [state-listed Threatened species \(wood turtle\)](#) has been found in the vicinity of the proposed project. Minnesota's endangered species law (Minnesota Statutes, section 84.0895) and associated rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of Threatened or Endangered species without a permit.

The wood turtle is largely aquatic, preferring small- to medium-sized, fast-moving rivers and streams with adjacent deciduous and coniferous forests. The substrates of wood turtle streams typically consist of sand or gravel.

Wood turtles overwinter in rivers or streams where they may gather in bank undercuts or near log-jams. They become active by late April, basking on logs or riverbanks on sunny days. Breeding is most frequent in the spring and fall. In late May or June, gravid females dig nests in exposed sandbars, cut-banks, or other open, well-drained areas). Hatchlings generally emerge in late August or September.

Wood turtles will occupy adjacent alder thickets, forest, and grassland habitat for basking and foraging, typically staying within 1/4 mile of the river or stream. In southeast Minnesota, wood turtles are known to use agricultural fields near river extensively for both nesting and foraging rivers. Sandy, sparsely vegetated areas that are not prone to flooding and have ample exposure to direct sunlight provide important nesting sites. During the summer, the wood turtle will forage on land, typically staying within 150 m (492 ft.) of a river and occupying a home range of less than 3 ha (7.4 ac.) . There were individuals who foraged in fields 200 to over roughly 400 meters from the river's edge (i.e. ¼ mile). The use of upland habitat varies widely among individual turtles.

Habitat degradation and destruction, illegal collecting for the pet trade, and increased mortality from road kills and predation have impacted wood turtle populations throughout their range. This late maturing species has low recruitment potential and populations are highly vulnerable to the loss of any individuals.

Conservation / Management

Habitat degradation and destruction, illegal collecting for the pet trade, and increased mortality from road kills and predation have impacted wood turtle populations throughout their range. This late maturing species has low recruitment potential and is highly vulnerable to the loss of any individuals from the population. Conservation efforts should include identification of viable wood turtle populations and the protection of upland foraging habitat and nesting sites. Activities affecting water quality and water level management must also be addressed.

Preservation of high-quality wood turtle habitat is dependent upon reasonable floodplain conservation techniques and zoning restrictions, including maintaining water quality; controlling sedimentation; restricting pesticide use near waterways; enforcing minimum set-back requirements and stream-side buffer zones; and use of best management practices for timber harvest, livestock grazing, and

agriculture. Damming and channelization change the substrate and flow characteristics of streams, making them unsuitable for wood turtles. Certain fisheries management activities, such as streambank stabilization and the digging of sand traps in trout streams, can also negatively alter wood turtle habitat (Harding 1991). Woody debris in rivers provides turtles with cover and basking sites and should be retained, when possible. Recreationists can impact wood turtle populations through increased collecting and by attracting predators to food and trash discarded at picnic areas. Trash left on sandbars and islands where turtles nest can attract skunks and raccoons that may also dig up and destroy turtle nests. Limiting recreational use of streams in prime wood turtle habitat may be necessary. Lastly, wood turtles are susceptible to being killed by farm machinery while foraging in agricultural fields.

Conservation efforts should include identification of viable wood turtle populations and the protection of upland foraging habitat and nesting sites. Activities affecting water quality and water level management must also be addressed. Actions under this project permit must avoid or minimize disturbance of the species. Actions to avoid or minimize disturbance to the species may include, but are not limited to, the following:

- Minimize use of heavy equipment within 1/4 mile of the river or stream during May – October, when possible. Disturbance to the floodplain habitat along the river should be avoided as much as possible and it is also recommended that construction not occur during the nesting season (late May through June) as roadsides can be used as nesting areas. Please see the attached fact sheet regarding construction for further recommendations on avoiding and minimizing impacts to this rare turtle.
- Workers in the project area should be aware that wood turtles overwinter in rivers or streams where they may gather in bank undercuts or near log-jams. They become active by late April, basking on logs or riverbanks on sunny days. Breeding is most frequent in the spring and fall. In late May or June, gravid females dig nests in exposed sandbars, cut-banks, or other open, well-drained areas). Hatchlings generally emerge in late August or September. During the summer, the wood turtle will forage on land, typically staying within 150 m (492 ft.) of a river and occupying a home range of less than 3 ha (7.4 ac.) The use of upland habitat varies widely among individual turtles.
- Silt fencing should be properly sited and installed to help to exclude or deter turtles from entering the construction zone. Bottom edges should be buried with no gaps at the bottom. It is critical that silt fencing be removed after the area has been revegetated. However, silt fencing is not foolproof as the turtles may still manage to climb over or under. Therefore other precautions are necessary.
- Keep vigilant for turtles that may have entered the work zone, especially where vehicles or equipment is operated. (see here for photos of [wood turtles](#) for ID) If a wood turtle is observed within the work zone, stop work immediately to assess the situation
- If an uninjured live wood turtle is observed within the work zone but is not in imminent danger of injury or death, leave it undisturbed. Work can resume if there is no risk. However, if there is ANY doubt about the risk, see guidance below.

- Uninjured live turtles which may be in imminent danger should be moved carefully by hand into the nearest river or stream. Wood turtles typically do not bite. Pick them up with both hands by their shells. Do not pick them up by their legs or tail. They must be released to the nearest available safe, suitable habitat, preferably in the direction the turtle was heading e.g. stream/river, sandbar, thickets, forest, or grassland habitat.
- Injured wood turtles require likely medical attention. Injured may arise from direct trauma or cold. MNDNR will provide further guidance.
- Please notify MNDNR Nongame Wildlife Specialists of any observed wood turtles (Live or dead). In the DNR Southern [Region](#), contact [Lisa Gelvin-Innvaer](#) and/or [Mike Worland](#). If urgent and neither specialist can be reached, contact the DNR Information Center 651-296-6157 or 888-MINNDNR (646-6367)
- During overwintering they are inactive and vulnerable to action from which they cannot escape.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Turtles, especially smaller individuals, have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).
- Apply standard best practices for erosion and invasive species management. This includes, but is not limited to vegetated grout fill among riprap, where applicable. This is recommended both for erosion control and to prevent wood turtles and other wildlife from becoming trapped between riprap. (see [Erosion_InvasiveSpecies_StandardGuidance_20200707.pdf](#))
- **Additional measures may be required depending upon the specific conditions.**

CAUTION



Wood Turtles MAY BE ENCOUNTERED IN THIS AREA

The unique and rare wood turtle has been found in this area. Wood turtles are a State Threatened species and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. Turtles should be moved offsite to the nearest stream edge. Information and recommendations on wood turtles can be found on the back of this notice. Additional information on turtles can be obtained from Ecological Services, Nongame Wildlife Program, Box 25, DNR Building, 500 Lafayette Rd., St. Paul, MN 55155 (651) 259-5122.

Wood Turtle Life History Information

Description: The wood turtle is a medium-sized turtle with a dark green to brown, sculpted shell. The bottom of the shell is yellow with black blotches on the edges. The skin on the soft body parts near the shell is yellow; otherwise the legs, head and tail are brown. A distinctive field mark is the generally highly “carved” look to the top of the shell. However, an older turtle’s shell may be worn smooth. Adult wood turtles have an average shell length of 5 ½ to 8 inches. They are normally terrestrial from April through October

Habitat: Wood turtles are found in and along mid-sized rivers and their tributaries flowing through open to wooded areas. During the spring, female wood turtles are often found on land, basking and preparing for nesting. Male wood turtles are also found on land, but they are usually closer to the water than the females. Once the females have laid their eggs, they often remain on land for the rest of the summer, foraging on plants, insects and worms. They will forage in crop fields and disturbed areas along the rivers, making them susceptible to harm from farm machinery. Wood turtles seem to prefer a habitat that includes grass fields and wooded areas. They will also use seasonal woodland pools.

Life History: After 5-6 months underwater in semi-hibernation, individuals emerge in late March or early April, depending on the season. They can be found along the water’s edge and up to 400 yards away from the river. To regulate body temperature, turtles will bask for a period of time, and then seek shade. They may bury themselves in vegetation such as reed canary grass, or hide under log piles along the river. Nesting occurs in early to mid-June, and the females generally lay their eggs in the evening, nesting in an open sandy area along the river or on a south to southwest facing sandy bank along the river. They will also nest along the sides of roads if the soil is sandy. After a development period of 58-71 days, hatchlings leave the nest and travel to water. Wood turtles are mild mannered and do not attempt to bite. Adults are particularly vulnerable to being struck by automobiles while crossing roads, or hit by farm machinery in crop fields adjacent to rivers.

Recommendations: The DNR offers the following land use guidelines so that as little harm as possible comes to these rare turtles.

- Workers should be informed of the presence of wood turtles in the area.
- When working near a river, silt fencing should be put in place by mid-March, to keep turtles out of construction area. These fences need to be maintained throughout the project. **It is critical that silt fences are removed after the area has been re-vegetated.**
- **Do not leave sand piles along river, as they may be used for nesting.**
- Terrain should be left with as much natural contour as possible. Graded areas should be re-vegetated with native grasses and forbs. Use of fertilizers and pesticides should be avoided.
- Erosion should be prevented from reaching wetlands and river.
- Landscaping should be left as natural as possible; trees should not be planted in known or potential nesting sites.
- Roads should be kept to minimal standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4” curbs at a 3:1 slope are preferred. Curbs and below grade roads trap turtles on the road, increasing road kills.
- Ditches should not be mowed until after October 1st.
- Report sightings of wood turtles to the DNR Regional Nongame Specialist.

Shannon Hansen

From: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Sent: Monday, April 26, 2021 10:50 AM
To: David Weetman
Cc: Scott Wentzell; Ryan Grohnke
Subject: RE: Byron Solar Project - Dodge and Olmsted Counties

Thank you David,

We'll take a closer look at these specific areas and wait to hear more on the results from the fieldwork.

Samantha Odegard
Tribal Historic Preservation Officer
Upper Sioux Community
PO Box 147 Granite Falls, MN 56241
samanthao@uppersiouxcommunity-nsn.gov
Office Phone: 320-564-6334

-----Original Message-----

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, April 23, 2021 3:18 PM
To: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>
Cc: Scott Wentzell <Scott.Wentzell@edf-re.com>; Ryan Grohnke <Ryan.Grohnke@westwoodps.com>
Subject: Byron Solar Project - Dodge and Olmsted Counties

Good afternoon Samantha,

I wanted to circle back with you on your request for a more detailed map of the layout for the proposed Byron Solar Project. A pdf map is attached that shows the Preliminary Development Areas.

Our cultural team will tentatively plan on doing the remaining fieldwork along the transmission line and a few other pick-up areas on May 5-7. Should the work take longer than that, or if there are weather delays, they would plan to finish up the following week.

Please let me know if you have any questions,

Thanks,
David

David M. Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestwoodps.com&c=E,1,e1qWaw1qYiiM-Q0YRdVYUWyo04EnEvNBptnu8sFOY0MjRCqfDyK3HcEYc0VKJDmxBiP8MLpdoSyy4G8GLpBW3DVoPvWXv9KUXDsAyr7x73UHULW6&typo=1>
(888) 937-5150

-----Original Message-----

From: David Weetman

Sent: Tuesday, March 23, 2021 10:07 AM

To: Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov>

Cc: Scott Wentzell <Scott.Wentzell@edf-re.com>; Shannon Hansen <Shannon.Hansen@westwoodps.com>

Subject: Re: Byron Solar Project Notification, Dodge and Olmsted Counties

Good morning Samantha,

Thank you for your response. Yes, the project proposer is planning to complete archeological field work within the project disturbance limits, likely this spring. A more detailed map of the layout will be provided to your office once it is closer to final-hopefully in the coming weeks. Thank you for your interest in the project.

Best Regards,
David

Sent from my iPhone

> On Mar 21, 2021, at 8:38 PM, Samantha Odegard <samanthao@uppersiouxcommunity-nsn.gov> wrote:

>

> Will there be or has there been archaeological work and would it be possible to get a more detailed map of the planned layout so my office could take a closer look at more specific areas

Shannon Hansen

Subject: FW: Byron Solar Project Notification, Dodge and Olmsted Counties
Attachments: Byron_Layout_210507.zip

From: David Weetman
Sent: Wednesday, May 12, 2021 7:56 AM
To: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Cc: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>; Shelby Kilibarda <Shelby.Kilibarda@westwoodps.com>; Bump, Samantha (DNR) (<Samantha.Bump@state.mn.us>); <Samantha.Bump@state.mn.us>; <scott.wentzell@edf-re.com>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

Good morning Joanne,

Please find shapefiles for the Byron Solar project attached.

Also, I'm wondering if you would mind checking in on the revised NHIS review request we submitted on March 10. We are working on finalizing our Site Permit Application for submission to the Department of Commerce and would like to be able to include that information with our application if at all possible.

Thank you!
David

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

Westwood
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

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(888) 937-5150

From: Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Sent: Friday, March 19, 2021 4:11 PM
To: <scott.wentzell@edf-re.com>
Cc: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>; David Weetman <David.Weetman@westwoodps.com>
Subject: RE: Byron Solar Project Notification, Dodge and Olmsted Counties

Hello Scott,

We received the attached review request – thank you. Can you please send a shapefile of the project footprint as well as any infrastructure/impacted areas (turbine locations, crane paths, lay down areas, etc.) that have been developed thus far?

We note that this project crosses two DNR regions, and as such, Melissa and I (who cover each of the regions) will coordinate review with Cynthia and provide comments. Melissa and I will be your primary DNR point of contact until the PUC application is submitted and Cynthia after that. But please continue to direct project correspondence to the three of us.

Thanks,

Joanne Boettcher
Regional Environmental Assessment Ecologist
MNDNR – Mankato
(507) 389-8813



From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, March 19, 2021 3:55 PM
To: Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>; Boettcher, Joanne (DNR) <Joanne.Boettcher@state.mn.us>
Subject: Byron Solar Project Notification, Dodge and Olmsted Counties

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Cynthia and Joanne,

Please see the attached notification letters in regards to the Byron Solar Project.

Thanks!

David Weetman
Environmental Permitting Manager
david.weetman@westwoodps.com

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cell (612) 849-5320

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Tribal Historic Preservation Office
Upper Sioux Community
5722 Travers Lane
Post Office Box 147
Granite Falls, MN 56241
320.564.3853
thpo@uppersiouxcommunity-nsn.gov



Wednesday, April 7, 2021

EDF Renewables North America
15445 Innovation Drive
San Diego, CA 92128

SUBJECT: Request for Concurrence – Project ID: Byron Solar Project
File 0028109.00
Dodge and Olmsted County, Minnesota.

Hello,

USC-THPO has reviewed the proposed 200-megawatt nameplate capacity utility-scale solar facility situated on approximately 1,600 acres in Dodge and Olmsted county. This proposed project will include single-axis PV arrays installed on driven piles, inverters, security fencing, trenched electrical cables, a project substation, temporary laydown areas and gravel access roads. A 345 kV transmission line. Less than five miles long, will also be needed to interconnect the project to the Byron substation.

This is an area where the Dakota lived, prayed, hunted, gathered, battled, and buried our relatives. At this time, the USC-THPO has no further comment on this site. However, in the event that ground disturbance from this project inadvertently uncovers any human remains, funerary objects or artifacts; ongoing work must stop and the MN-SHPO and the USC-THPO should be contacted as soon as possible.

Thank you for the opportunity to comment on this project and for following the Federal guidelines for 106 consultations.

Pidamaya,

Drew Brockman
USC-THPO Assistant

Per:
Samantha Odegard
Tribal Historic Preservation Officer

Tribal Historic Preservation Office
Upper Sioux Community
5722 Travers Lane
Post Office Box 147
Granite Falls, MN 56241
320.564.3853
thpo@uppersiouxcommunity-nsn.gov



Upper Sioux Community

Shannon Hansen

From: Shannon Hansen
Sent: Tuesday, June 22, 2021 11:13 AM
To: lauren.cornelius@co.dodge.mn.us
Cc: David Weetman; Scott Wentzell
Subject: Current and Proposed Developments in Dodge County

Good morning Lauren,

I am working with EDF Renewables on a proposed solar facility in Dodge County. Specifically, we are drafting the site and route permit for the Minnesota Public Utilities Commission. One of the items we must address includes the cumulative impacts of the project, which includes any known current and proposed projects in the vicinity.

Here is a link for project information (location, timeline, etc.) - <https://www.edf-re.com/project/byron-solar/about/>

Are you aware of any current or proposed residential/commercial/industrial/roadway projects near the project site in Dodge County? I was able to find a few road projects on MnDOT's website (Hwy 57 reconstruction, Hwy 14 intersection improvements, and installation of traffic management equipment along Hwy 14).

Let me know if you have any questions or need additional information.

Regards,
Shannon

Shannon Hansen

Sr. Permitting Specialist
shannon.hansen@westwoodps.com

direct (952) 207-7653
main (952) 937-5150
cell (612) 702-0936

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Minnetonka, MN 55343

westwoodps.com
(888) 937-5150

Shannon Hansen

From: Shannon Hansen
Sent: Tuesday, June 22, 2021 2:42 PM
To: Engel Mark
Cc: David Weetman; Scott Wentzell
Subject: RE: Website Inquiry

Thank you Mark. You are correct, the transmission line would be located in Kalmar Township. I will contact the TCPA regarding any current or proposed developments.

Have a great day,
Shannon

From: Engel Mark <engel.mark@CO.OLMSTED.MN.US>
Sent: Tuesday, June 22, 2021 2:19 PM
To: Shannon Hansen <Shannon.Hansen@westwoodps.com>
Cc: David Weetman <David.Weetman@westwoodps.com>; Scott Wentzell <Scott.Wentzell@edf-re.com>
Subject: RE: Website Inquiry

Good Afternoon Shannon,

In Olmsted County a number of the Townships have their own planning authority and as such govern the development land use proposals. The project area you describe (I believe) falls into the Kalmar Township Area. Kalmar Township works with the Township Cooperative Planning Association (TCPA). The Planning Staff with the TCPA organization may be able to provide you with the Land Use / Development project information you seek.

Address: 4111 11th Avenue SW

Rochester, MN 55902

Phone: 507.529.0774

Business Hours: 9:00 am to 12:00 pm and 12:30 pm to 3:00 pm – Monday through Friday

Email Addresses: Roger@tcpamn.org

David@tcpamn.org

Website <https://tcpamn.org/>

As you noted there are a number of MNDOT project in the area the links below provide you with the Olmsted County Roads and Transportation projects identified on the Olmsted County website. I have also provide a link to the contact page for Olmsted county Public Works if you have additional questions they are the group that can assist you with more specific information.

Olmsted County Roads and Transportation Projects

<https://www.olmstedcounty.gov/residents/roads-transportation/construction-road-updates>

<https://www.olmstedcounty.gov/residents/roads-transportation/construction-road-updates/transportation-future-projects>

Olmsted County Public Works Contacts

<https://www.olmstedcounty.gov/government/county-departments/public-works/contact-public-works>

I hope this provides you with the information you are looking for, If you have additional questions please feel free to contact me.

Have a great day

Mark

Mark W. Engel, ASLA, PLA

Planning Supervisor | Olmsted County Planning Department | 2122 Campus Drive SE,
Suite 100 | Rochester, MN 55904 | Phone: 507.328.7127 | E-mail: Engel.Mark@co.olmsted.mn.us



From: Shannon Hansen <Shannon.Hansen@westwoodps.com>
Sent: Tuesday, June 22, 2021 11:34 AM
To: Engel Mark <engel.mark@CO.OLMSTED.MN.US>
Cc: David Weetman <David.Weetman@westwoodps.com>; Scott Wentzell <Scott.Wentzell@edf-re.com>
Subject: Website Inquiry

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mark,

I am working with EDF Renewables on a proposed solar facility and high voltage transmission line in Dodge and Olmstead counties. The Solar Facility will be located in Dodge County, and portions of the high voltage transmission line will be located in both counties (connecting to the Byron Substation). We are drafting the site and route permit for the Minnesota Public Utilities Commission. One of the items we must address includes the cumulative impacts of the project, which includes any known current and proposed projects in the vicinity.

Are you aware of any current or proposed residential/commercial/industrial/roadway projects near the Byron Substation in Olmsted County? I was able to find a few road projects on MnDOT's website (CSAH 4 reconstruction/CR 105 realignment, CSAH 4/44 improvements, Hwy 14 corridor analysis/intersection improvements, and CSAH 5 reconstruction).

Here is a link for project information (location, timeline, etc.) - <https://www.edf-re.com/project/byron-solar/about/>

Let me know if you have any questions or need additional information.

Regards,
Shannon

Shannon Hansen
Sr. Permitting Specialist
shannon.hansen@westwoodps.com

direct (952) 207-7653
main (952) 937-5150
cell (612) 702-0936

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Minnetonka, MN 55343

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Shannon Hansen

From: Shannon Hansen
Sent: Tuesday, June 22, 2021 2:48 PM
To: David@tcpamn.org; Roger@tcpamn.org
Cc: David Weetman; Scott Wentzell
Subject: Kalmar Township Development Projects

Good afternoon David and Roger,

Mark Engel, Olmsted County Zoning Supervisor, suggested I contact you regarding current and future projects in Kalmar Township.

As I mentioned to Mark, I am working with EDF Renewables on a proposed solar facility and high voltage transmission line in Dodge and Olmstead counties. A portion of the high voltage transmission line will be located in Kalmar Township (connecting to the Byron Substation). We are drafting the site and route permit for the Minnesota Public Utilities Commission. One of the items we must address includes the cumulative impacts of the project, which includes any known current and proposed projects in the vicinity.

Are you aware of any current or proposed residential/commercial/industrial projects near the Byron Substation in Kalmar Township?.

Here is a link for project information (location, timeline, etc.) - <https://www.edf-re.com/project/byron-solar/about/>

Let me know if you have any questions or need additional information. I can also be reached on my cell phone at 612-702-0936.

Regards,
Shannon

From: Engel Mark <engel.mark@CO.OLMSTED.MN.US>
Sent: Tuesday, June 22, 2021 2:19 PM
To: Shannon Hansen <Shannon.Hansen@westwoodps.com>
Cc: David Weetman <David.Weetman@westwoodps.com>; Scott Wentzell <Scott.Wentzell@edf-re.com>
Subject: RE: Website Inquiry

Good Afternoon Shannon,

In Olmsted County a number of the Townships have their own planning authority and as such govern the development land use proposals. The project area you describe (I believe) falls into the Kalmar Township Area. Kalmar Township works with the Township Cooperative Planning Association (TCPA). The Planning Staff with the TCPA organization may be able to provide you with the Land Use / Development project information you seek.

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David@tcpamn.org

Website <https://tcpamn.org/>

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Olmsted County Public Works Contacts

<https://www.olmstedcounty.gov/government/county-departments/public-works/contact-public-works>

I hope this provides you with the information you are looking for, If you have additional questions please feel free to contact me.

Have a great day

Mark

Mark W. Engel, ASLA, PLA

Planning Supervisor | Olmsted County Planning Department | 2122 Campus Drive SE,
Suite 100 | Rochester, MN 55904 | Phone: 507.328.7127 | E-mail: Engel.Mark@co.olmsted.mn.us



From: Shannon Hansen <Shannon.Hansen@westwoodps.com>

Sent: Tuesday, June 22, 2021 11:34 AM

To: Engel Mark <engel.mark@CO.OLMSTED.MN.US>

Cc: David Weetman <David.Weetman@westwoodps.com>; Scott Wentzell <Scott.Wentzell@edf-re.com>

Subject: Website Inquiry

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Good morning Mark,

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Here is a link for project information (location, timeline, etc.) - <https://www.edf-re.com/project/byron-solar/about/>

Let me know if you have any questions or need additional information.

Regards,
Shannon

Shannon Hansen

Sr. Permitting Specialist

shannon.hansen@westwoodps.com

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main (952) 937-5150

cell (612) 702-0936

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Shannon Hansen

From: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Sent: Tuesday, July 6, 2021 2:38 PM
To: David Weetman
Cc: Steinhauer, Suzanne (COMM)
Subject: RE: Draft Byron Solar Agricultural Impact Mitigation Plan

Hi David,

Thanks for the opportunity to check the AIMP over, and for addressing my comments and carrying them forward from previous project AIMP's. The only comment I had on this one deals with the choice of fencing materials and MDA does not have an official position on fencing materials, although the EERA and PUC may have. As I mentioned in the comment, agricultural woven wire fencing will likely look better in the agricultural landscape but we do not take an official position at this point.

I've copied EERA staff so that they are aware that this step has been completed.

I have not attached the file with my comment because it is larger than our system will allow as an attachment to an email. We did have an ftp site at one point but it got taken down for maintenance/improvement and I haven't heard that it's running yet. I've sent it as a Google Drive link through my University of Minnesota email. Let me know if you are able to access it. In the long run, it would be useful if you could reduce the file size before sending it for review so that we at the State could exchange it more readily. We live with a 20mb cap on email attachments.

Thanks again,
Steve

Steve Roos, PLA, ASLA
Environmental Planner
Energy and Environment Section
Agricultural Marketing and Development Division
Minnesota Department of Agriculture
625 Robert Street North
Saint Paul, MN 55155-2538
Ph: 651-201-6631 office, 651-245-2392 cell



www.mda.state.mn.us

From: David Weetman <David.Weetman@westwoodps.com>
Sent: Friday, June 18, 2021 3:22 PM
To: Roos, Stephan (MDA) <stephan.roos@state.mn.us>
Cc: Scott Wentzell <Scott.Wentzell@edf-re.com>
Subject: Draft Byron Solar Agricultural Impact Mitigation Plan

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Steve,

Please find a link below to the Draft Agricultural Impact Mitigation Plan for the Byron Solar Project proposed in Dodge and Olmsted Counties. We would appreciate your review and any comments you might have. Feel free to call me at the numbers below if you have specific questions or would like to schedule a call to review.

<https://cloud.westwoodps.com/owncloud/index.php/s/PRSnpi7EDGSS91G>

Thanks and have a wonderful weekend,
David

David Weetman

Environmental Permitting Manager

david.weetman@westwoodps.com

direct (952) 906-7419
main (952) 937-5150
cell (612) 849-5320

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12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

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(888) 937-5150

July 9, 2021

Ryan Grohnke
Westwood Professional Services, Inc.
12701 Whitewater Dr, Suite 300
Minnetonka, MN 55343

RE: File 0028109.00
Byron Solar Project
Dodge and Olmsted Counties
SHPO Number: 2021-1430

Dear Ryan Grohnke:

Thank you for continuing consultation on the above referenced project. Information received on June 10, 2021 has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

We previously provided comments on this project in a letter dated April 20, 2021 recommending that a Phase I archaeological survey be completed. We have now received and reviewed the report titled *A Report for Phase I Archaeological Survey, Byron Solar Project, Dodge and Olmsted Counties, Minnesota* (May 27, 2021) as prepared by Westwood Professional Services. According to the report, one archaeological site was identified within the project area, site **21DO0020**. We agree with your determination that this site is **not eligible** for listing in the National Register of Historic Places. Therefore, based on information that is available to us at this time, we have determined that there are no properties listed in the National or State Registers of Historic Places and no significant archaeological properties in the area that will be affected by this project.

If the project is not constructed as proposed, including, but not limited to, a situation where subsequent engineering/design changes to the currently proposed project diverts substantially from what was presented at the time of this review, the project proposer will need to reopen consultation with our office.

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 kelly.graggjohnson@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager