

April 2, 2025

VIA E-FILING

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

Re: In the Matter of the Application of Midwater BESS, LLC for a Site Permit for the up to 150 MW Midwater Energy Storage Project in Freeborn County, Minnesota. Docket No. IP-7138/ESS-24-294

In the Matter of the Application of Midwater BESS, LLC for a Route Permit for the 161 kV Transmission Line for the Midwater Energy Storage Project in Freeborn County, Minnesota. Docket No. IP-7138/TL-24-295

Dear Mr. Seuffert:

Midwater BESS, LLC (Midwater BESS) respectfully submits this filing in response to the Public Utilities Commission's (Commission) letter dated March 19, 2025 authorizing Midwater BESS to initiate consultation with the Minnesota State Historic Preservation Office (SHPO) pursuant to Minn. Stat. § 138.665. As documented in this letter, the required consultation with SHPO was completed and the associated reports and correspondence with SHPO were filed with the Joint Site Permit and Route Permit Application (Application) for the Midwater Energy Storage Project in Shell Rock Township, Freeborn County, Minnesota (Project).¹ Based on extensive shovel testing in the Project area, the report determined and SHPO agreed, there is limited potential for cultural resources in the area to be impacted by the Project and no known or suspected archaeological resources will be affected by the Project.²

On April 18, 2024, Midwater BESS initiated consultation with SHPO by submitting a letter describing the proposed Project and requesting comments. SHPO responded by letter on July 5, 2024 and recommended that a Phase IA literature review be conducted to assess the potential for archaeological resources being located within the proposed Project Area.³ SHPO also

¹ See Application, Appendix B-2, and Appendix F (Nov. 19, 2024) (eDocket Nos. [202411-212161-01](#), [202411-212161-04](#), and [202411-212161-08](#)).

² See SHPO Letter dated October 22, 2024 at Appendix B-2.

³ See SHPO Letter dated July 5, 2024 at Appendix B-2; see also Application at Section 6.4.2.

recommended that a Phase I archaeological survey be conducted, if the results of the Phase IA literature review indicated a Phase I field survey should be conducted.⁴

As described in Section 6.4.2 and Appendix F of the Application, Midwater BESS engaged Westwood Professional Services, Inc. (Westwood) to perform a Phase I archeological survey for the Project and prepare a report.⁵ A cultural resource literature review was undertaken prior to the Phase I archeological survey to identify known cultural resources documented in or within a one-mile buffer of the Project Area boundary. The literature review did not identify any previously recorded archaeological sites in the Project Area. A single previously recorded archaeological site was recorded within one mile of the Project (Site 21FE0126). Site 21FE0126 was recorded in 2022 and is listed as undetermined for inclusion into the National Register of Historic Places (NRHP). No historic/architectural resources have been previously inventoried within the Project Area. Two historic/architectural resources were identified adjacent to the Project boundary; however, neither resource will be impacted by the Project. Nine additional resources were found within the one-mile buffer of the Project Area; none of which have been evaluated for listing in the NRHP.

As detailed in the *Phase I Archaeological Reconnaissance Survey*, archaeological field surveys were conducted on June 6, 11, 25, and 26, 2024. Field investigators utilized shovel testing and visual survey methods to examine the Area of Potential Effects (APE).⁶ Shovel testing was carried out using a grid overlay on the proposed APE in 15-meter intervals in conformance with the archaeological standards outlined by the Office of the State Archaeologist. A total of 264 shovel tests were excavated across low-visibility areas within the one-mile buffer of the Project Area. No new or previously recorded archaeological, architectural, or historic sites were identified/reviewed during the survey. Based on the results of the shovel tests, the Project Area has limited potential for cultural resources.

On October 22, 2024, SHPO confirmed it reviewed the *Phase I Archaeological Reconnaissance Survey* and agreed that no known or suspected archaeological resources will be affected by the Project; SHPO also confirmed that no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network will be affected by the Project.⁷

This filing has been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

⁴ SHPO Letter dated July 5, 2024 at Appendix B-2.

⁵ The *Phase I Archaeological Reconnaissance Survey*, dated August 28, 2024, prepared by Westwood was submitted to SHPO for review on August 28, 2024. The *Phase I Archaeological Reconnaissance Survey* is also included in the Application as Appendix F.

⁶ The Project design is expected to occupy approximately 16 acres (the Area of Potential Effects (APE)).

⁷ See SHPO Letter dated October 22, 2024 at Appendix B-2.

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

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

Jeremy P. Duehr

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JPD

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CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 2nd day of April 2025, she e-filed on behalf of Midwater BESS, LLC, a true and correct copy of its Confirmation of SHPO Consultation via eDockets (www.edockets.state.mn.us).

Said document was also served on the Official Service Lists of record on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: April 2, 2025

Signed: /s/ Breann L. Jurek

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

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	Official 24-294
2	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	Official 24-294
3	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	Official 24-294
4	Eric	Hansen	eric.hansen@westwoodps.com	Westwood Professional Services		7699 Anagram Drive Eden Prairie MN, 55344 United States	Electronic Service		No	Official 24-294
5	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-294
6	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	Official 24-294
7	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-294
8	Mary	Matze	mmatze@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	Official 24-294
9	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	Official 24-294
10	Peter	Rood	prood@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	Official 24-294

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
11	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-294

First # Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Generic	Commerce Attorneys commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	Official 24-295
2	MP Regulatory	Compliance mpregulatorycompliance@mnpower.com	Minnesota Power		30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-295
3	Sharon	Ferguson sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	Official 24-295
4	Stacy	Kotch Egstad stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	Official 24-295
5	Discovery Manager	discoverymanager@mnpower.com	Minnesota Power		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-295
6	Generic Notice	Residential Utilities Division residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	Official 24-295
7	Will	Seuffert will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-295
8	Claire	Vatalaro cvatalaro@allete.com	Allete		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-295