

September 2019

Minnesota Public Utilities Commission

Application for a Site Permit

Appendix A - Elk Creek Solar Agency Correspondence

PUC Docket No. IP7009/GS-19-495

Elk Creek Solar Project

Rock County, Minnesota

Submitted by:

Elk Creek Solar, LLC

7650 Edinborough Way

Suite 725

Edina, MN 55435



Appendix A – Agency Correspondence

May 13, 2019



Agency
Address 1
Address 2
Address 3

RE: Project Boundary Update - Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of Geronimo Energy, LLC, is developing a utility-scale solar-energy facility that will be up to 80 megawatts of nameplate solar-energy capacity in Rock County, Minnesota. You received a letter in February that provided an overview of the proposed project and requested your input regarding any permits and approvals that may be required and identification of interests your organization may have in the project site. The purpose of this letter is to provide an update on the proposed project area.

Elk Creek has refined the project area previously presented, however the permanent facilities and planned interconnection to an existing 161-kilovolt substation adjacent to the project remain the same. Table 1 provides the sections of land within the Elk Creek project boundary.

Table 1: Sections within the Elk Creek Project Boundary

State	County	Civil Township Name	Township	Range	Sections
MN	Rock	Vienna	103	44	27, 34, 35

To facilitate your review, we have enclosed a map of Elk Creek's location and the associated project boundary.

Elk Creek will seek a Certificate of Need and submit a Site Permit Application to the Minnesota Public Utilities Commission ("PUC"). Construction is anticipated to begin as early as fall of 2020 with intended completion by the end of 2021. A separate project is currently under development adjacent to the Elk Creek project boundary and notification will be provided for that project at a different time.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

If you require further information or have questions regarding this matter, please contact me at 952-988-9000 or at melissa@geronimoenergy.com.

Sincerely,

A handwritten signature in cursive script, reading "Melissa Schmit".

Melissa Schmit
Permitting Manager
Geronimo Energy
7650 Edinborough Way, Suite 750
Edina, MN 55435

Enclosure:
Updated Elk Creek Location Map

Elk Creek Solar





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678
May 30th, 2019

Regulatory File No. MVP-2019-01045-EJW

Geronimo Energy
c/o Melissa Schmit
7650 Edinborough Way, Suite 750
Edina, Minnesota 55435

Dear Ms. Schmit:

This letter is in response to correspondence we received from Geronimo Energy regarding the Elk Creek Solar, LLC. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the Project Boundary Update – Elk Creek Solar in Rock County, Minnesota for the project referenced above a Department of the Army (DA) permit may be required for your proposed activity. 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

Regulatory Branch (File No. MVP-2019-01045-EJW)

for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

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 me in our St. Paul office at (651) 290-5357 or Eric.j.white@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. White", written in a cursive style.

Eric White
Project Manager



Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2018.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

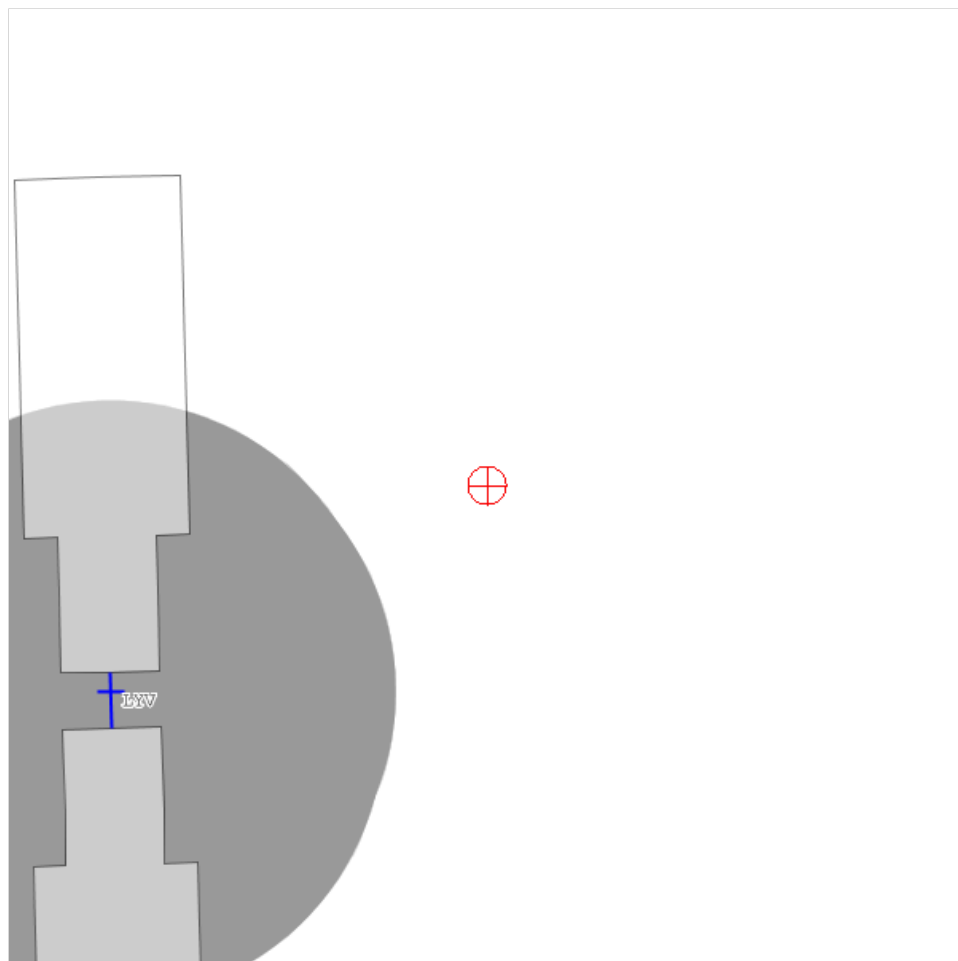
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="43"/> Deg <input type="text" value="39"/> M <input type="text" value="35.90"/> S <input type="button" value="N ▼"/>
Longitude:	<input type="text" value="96"/> Deg <input type="text" value="6"/> M <input type="text" value="47.19"/> S <input type="button" value="W ▼"/>
Horizontal Datum:	<input type="button" value="NAD83 ▼"/>
Site Elevation (SE):	<input type="text" value="1488"/> (nearest foot)
Structure Height :	<input type="text" value="15"/> (nearest foot)
Traverseway:	<input type="button" value="No Traverseway ▼"/> (Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes

Results

You do not exceed Notice Criteria.





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AGL-9687-OE

Issued Date: 07/09/2019

Melissa Schmit
Elk Creek Solar, LLC
7650 Edinborough Way
Suite 725
Edina, MN 55436

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Corner1
Location:	Magnolia, MN
Latitude:	43-40-27.18N NAD 83
Longitude:	96-04-23.32W
Heights:	1505 feet site elevation (SE) 15 feet above ground level (AGL) 1520 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 01/09/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AGL-9687-OE.

Signature Control No: 408429897-410771247

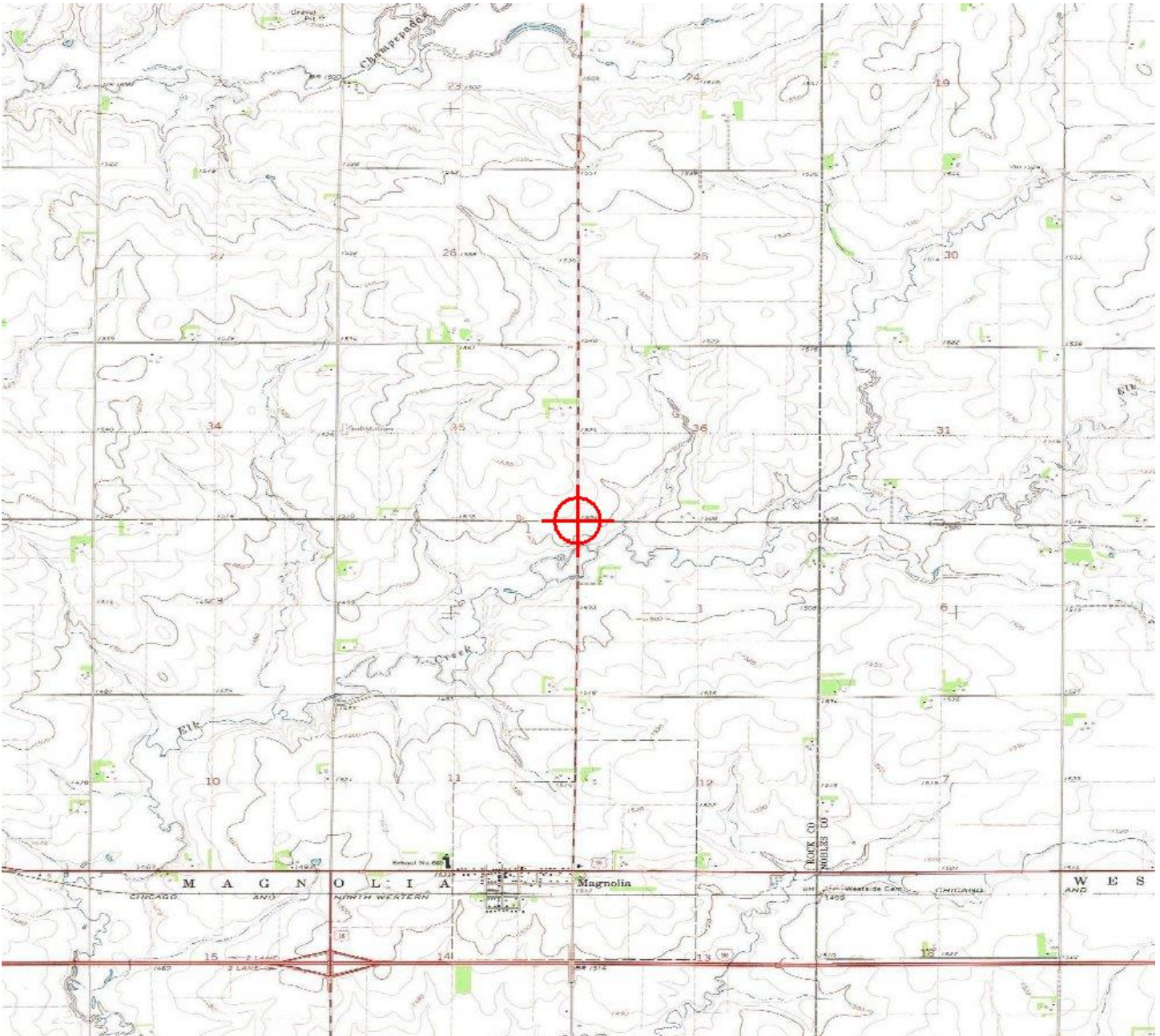
(DNE)

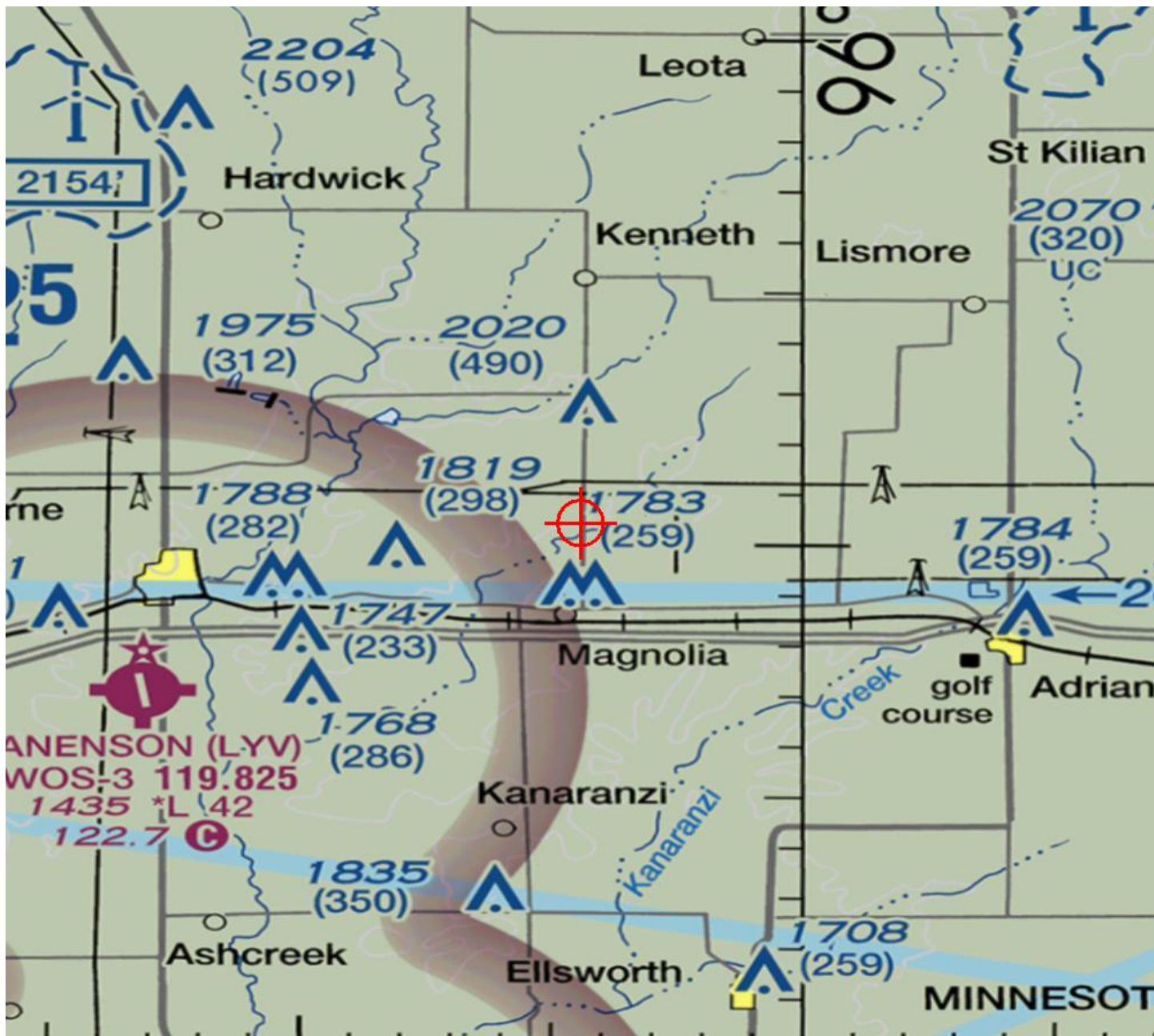
Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

Solar array consisting of single-axis trackers.

TOPO Map for ASN 2019-AGL-9687-OE







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AGL-9688-OE

Issued Date: 07/09/2019

Melissa Schmit
Elk Creek Solar, LLC
7650 Edinborough Way
Suite 725
Edina, MN 55436

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Corner2
Location:	Magnolia, MN
Latitude:	43-40-27.18N NAD 83
Longitude:	96-06-45.61W
Heights:	1509 feet site elevation (SE) 15 feet above ground level (AGL) 1524 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 01/09/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AGL-9688-OE.

Signature Control No: 408429899-410771249

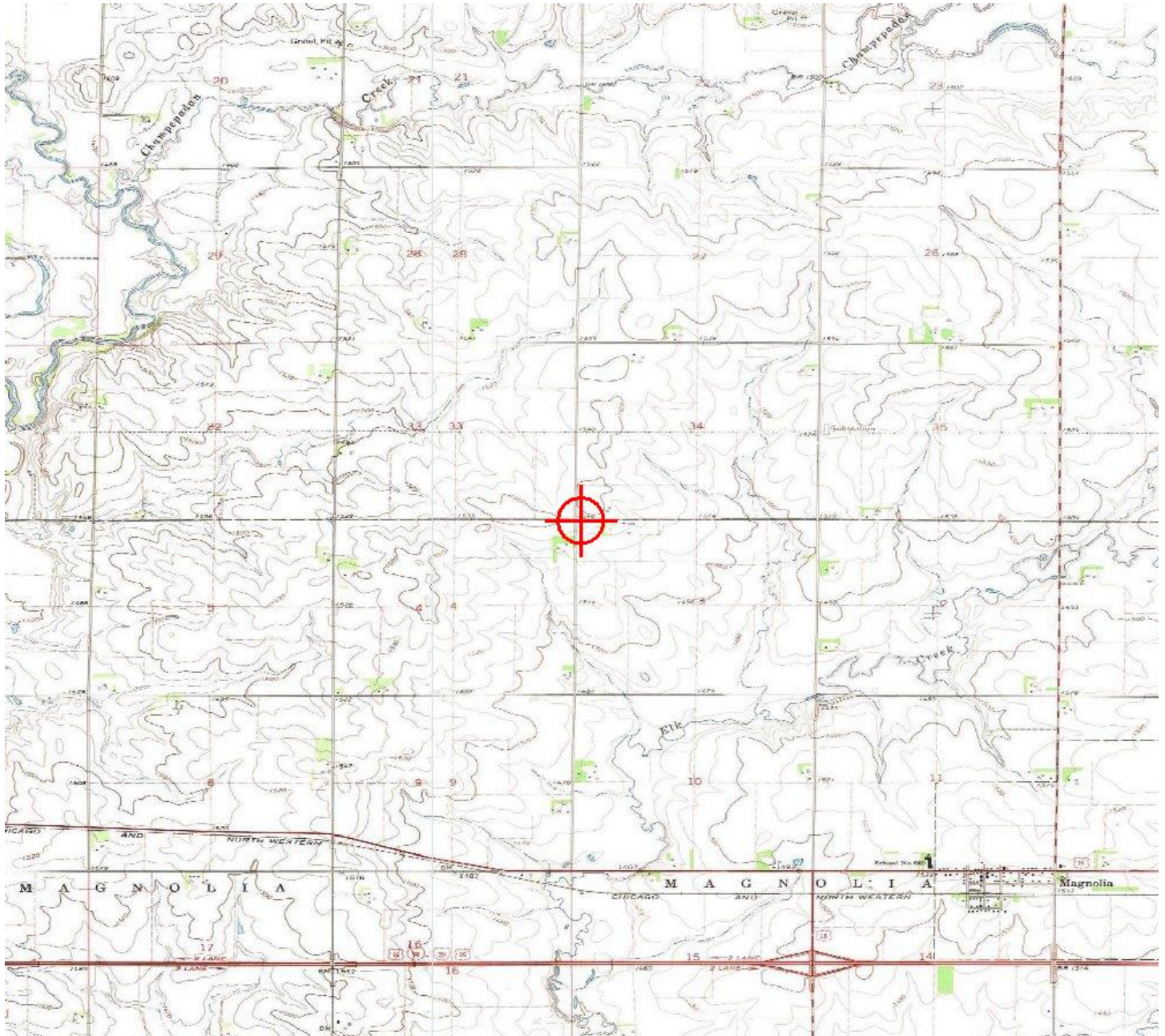
(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

Solar array consisting of single-axis trackers.

TOPO Map for ASN 2019-AGL-9688-OE







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AGL-9704-OE

Issued Date: 07/09/2019

Melissa Schmit
Elk Creek Solar, LLC
7650 Edinborough Way
Suite 725
Edina, MN 55436

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Corner18
Location:	Magnolia, MN
Latitude:	43-42-12.29N NAD 83
Longitude:	96-06-45.61W
Heights:	1526 feet site elevation (SE) 15 feet above ground level (AGL) 1541 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 01/09/2021 unless:

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AGL-9704-OE.

Signature Control No: 408429937-410771246

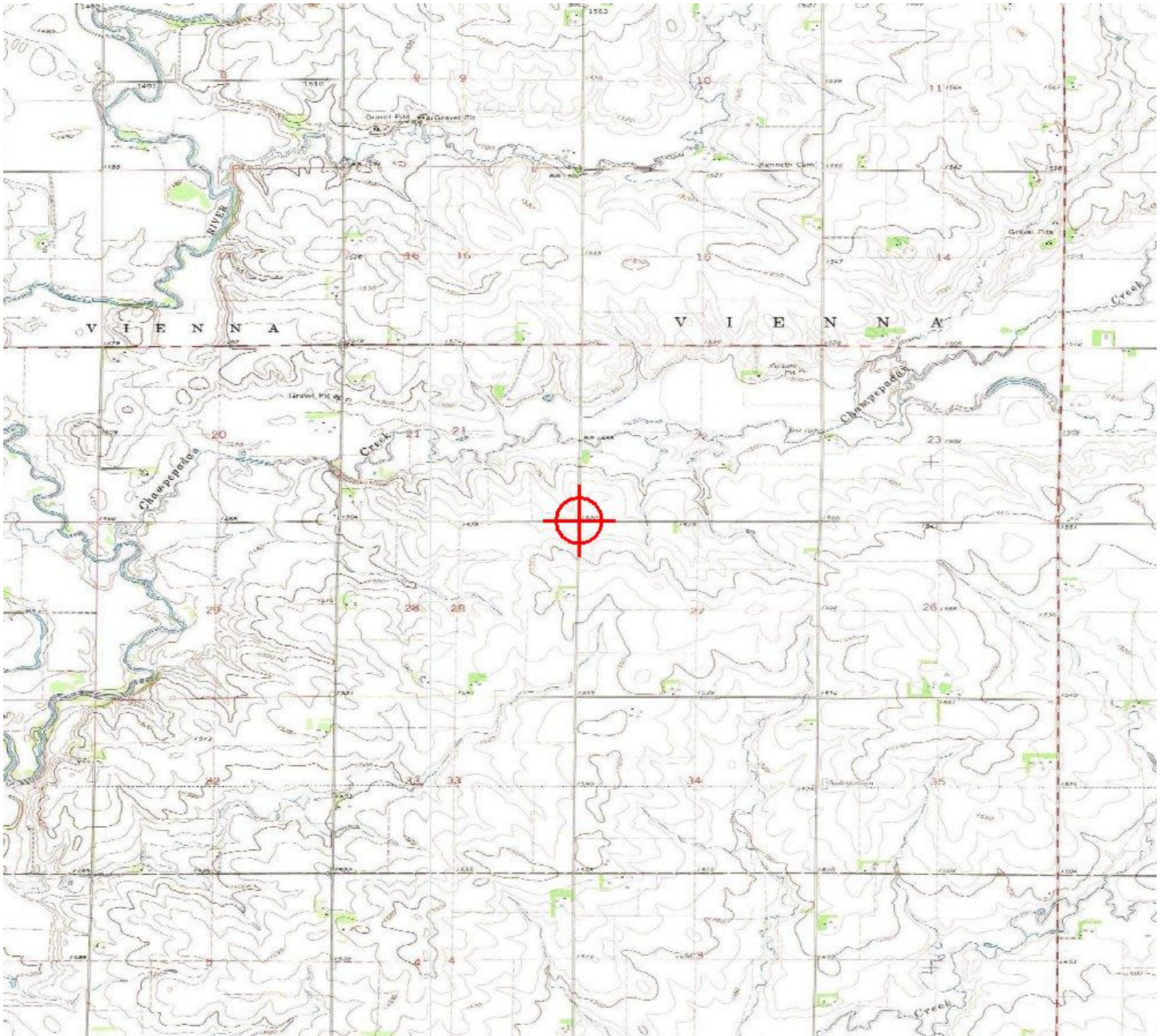
(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

Solar array consisting of single-axis trackers.

TOPO Map for ASN 2019-AGL-9704-OE







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AGL-9705-OE

Issued Date: 07/09/2019

Melissa Schmit
Elk Creek Solar, LLC
7650 Edinborough Way
Suite 725
Edina, MN 55436

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Solar Panel Corner19
Location:	Magnolia, MN
Latitude:	43-42-12.29N NAD 83
Longitude:	96-04-23.32W
Heights:	1530 feet site elevation (SE) 15 feet above ground level (AGL) 1545 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

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If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AGL-9705-OE.

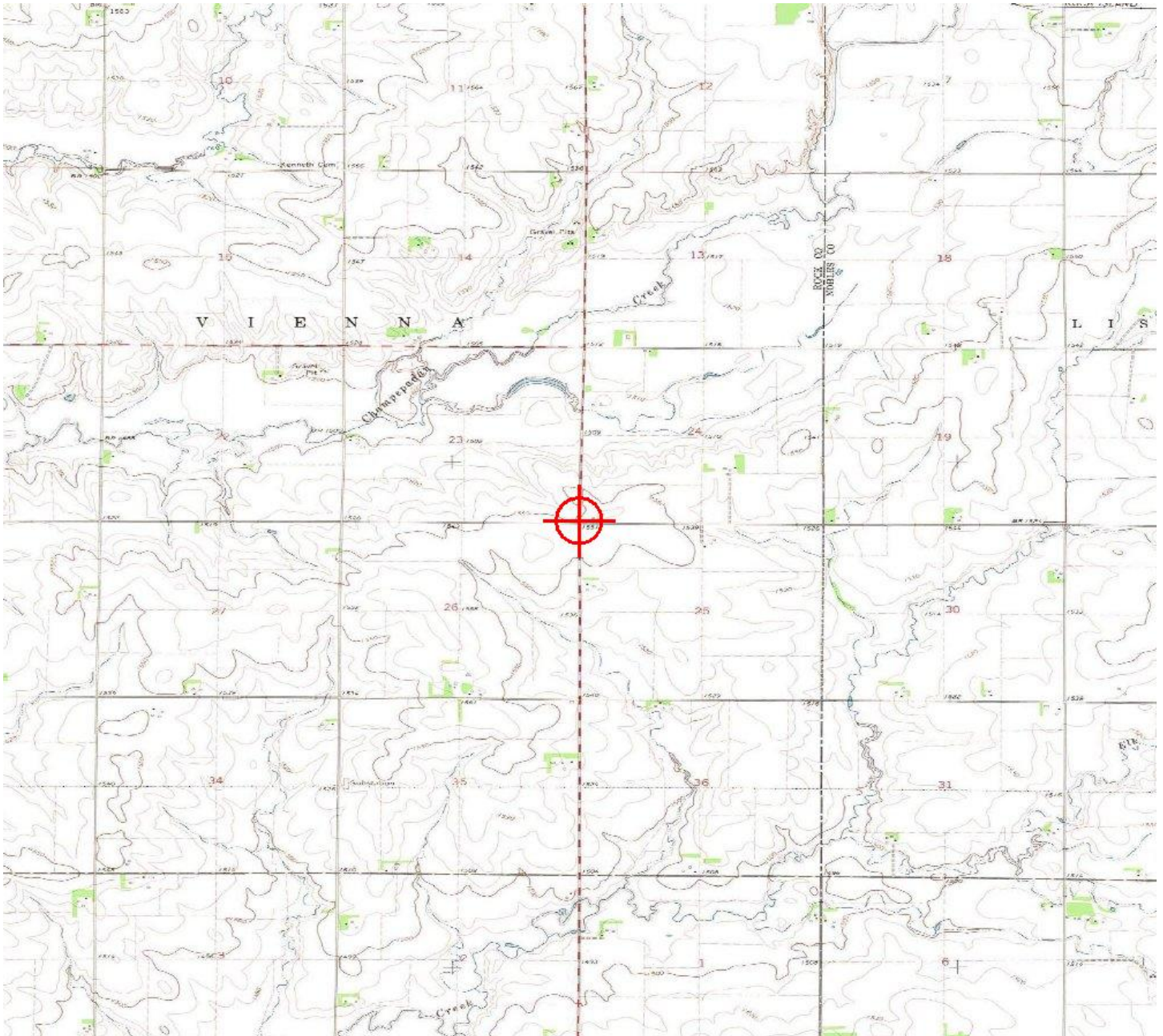
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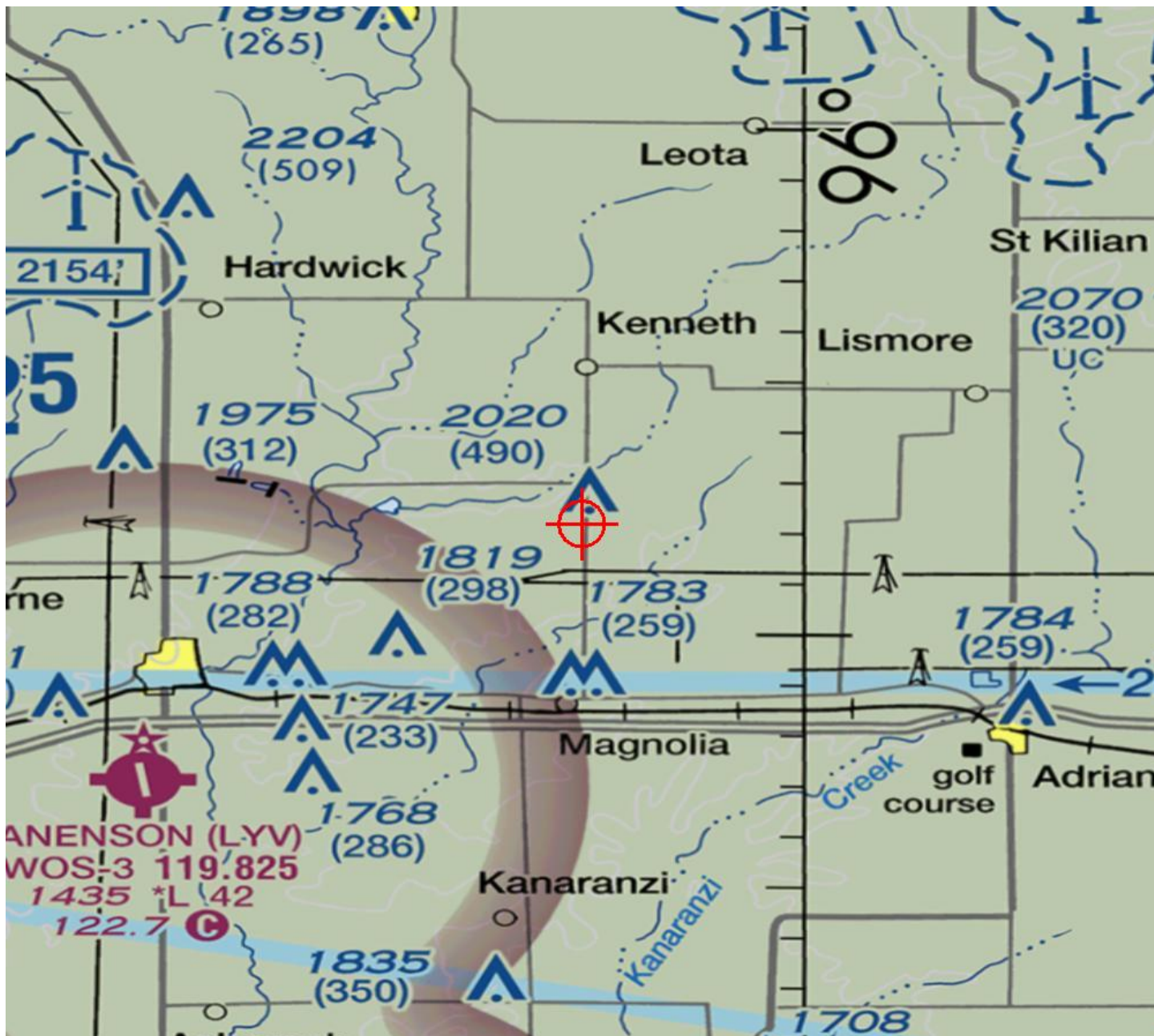
(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Map(s)

Solar array consisting of single-axis trackers.





March 22, 2019

Ms. Melissa Schmidt
Geronimo Energy
7650 Edinborough Way, Suite 750
Edina, MN 55435

RE: Elk Creek Solar to construct a "utility-scale" solar energy project, to include access roads,
underground lines, and up to two 20-ft weather stations
T103 R44 S27, 33-35; T102 R44 S3, Rock County
SHPO Number: 2019-1025

Dear Ms. Schmidt:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

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 our Environmental Review Program at (651) 201-3285.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

July 3, 2019

Mr. Garrett Knudsen
Area M Consulting
7302 Claredon Drive
Edina, MN 55439

RE: Geronimo Energy - Elk Creek 1 Solar Project
T103 R44 S27, 34, 35
Vienna Twp., Rock County
SHPO Number: 2019-1895

Dear Mr. Knudsen:

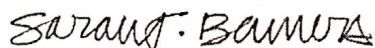
Thank you for the opportunity to comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the cultural resources survey report that was prepared for this project. Based on the results of the survey, we conclude that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

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.

Please contact our Environmental Review Program at (651) 201-3285 if you have any questions on our review of this project.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager