



City of Fergus Falls Committee of the Whole Agenda

February 24, 2021
7:00 am
City Council Chambers

Due to the COVID-19 pandemic, some or all members of the Fergus Falls City Council, will participate in the February 24, 2021 Committee of the Whole meeting via zoom or telephone rather than by being personally present at the regular meeting place at 112 W Washington Avenue.

Members of the public can monitor the council meeting by logging into zoom
<https://us02web.zoom.us/j/6667456876>
Meeting ID: 666 745 6876

Members of the public can also use the call in number of 312 626 6799

After the meeting has concluded, it can also be accessed through the city's You Tube channel
<https://www.youtube.com/channel/UCDF-uPf-xwIfdqZURg578DA>

A. Call to Order

B. Roll Call

C. Discussion Items

1. Fire Department Annual Report
Ryan Muchow
2. Greater Fergus Falls Annual Report
Annie Deckert
3. Hoot Lake Solar Findings of Fact and Record of Decision EAW
Brian Yavarow
Requested Action: Recommendation to the council accepting the Hoot Lake Solar Environmental Assessment Worksheet (EAW) Findings of Facts and Record Decision for a Negative Declaration not requiring an Environmental Impact Statement (EIS)
4. Data Request Policy
Andrew Bremseth
Requested Action: Recommendation to the council to adopt an amended Data Request Policy and request form

D. Additional Agenda Items

E. Announcements

March 1	1:00 pm	Council Work Session
	5:30 pm	City Council Meeting
March 10	7:00 am	Committee of the Whole Meeting

Adjourn

GREATER FERGUS FALLS

COMMITTEE OF THE WHOLE

Annie Deckert, EDFP, MPA

CEO

24 February 2021





OVERVIEW

About Us

Strategic Framework

Services Offered

Highlights to Date


Q&A



MISSION

GREATER FERGUS FALLS

Our mission at Greater Fergus Falls is to support and grow the area business community.

- **Retaining** the excellent businesses and industries who call the Fergus Falls Region their home.
 - **Revitalizing** our local economy.
 - **Recruiting** new entrepreneurs and innovators to take the leap with us.
- 

VISION

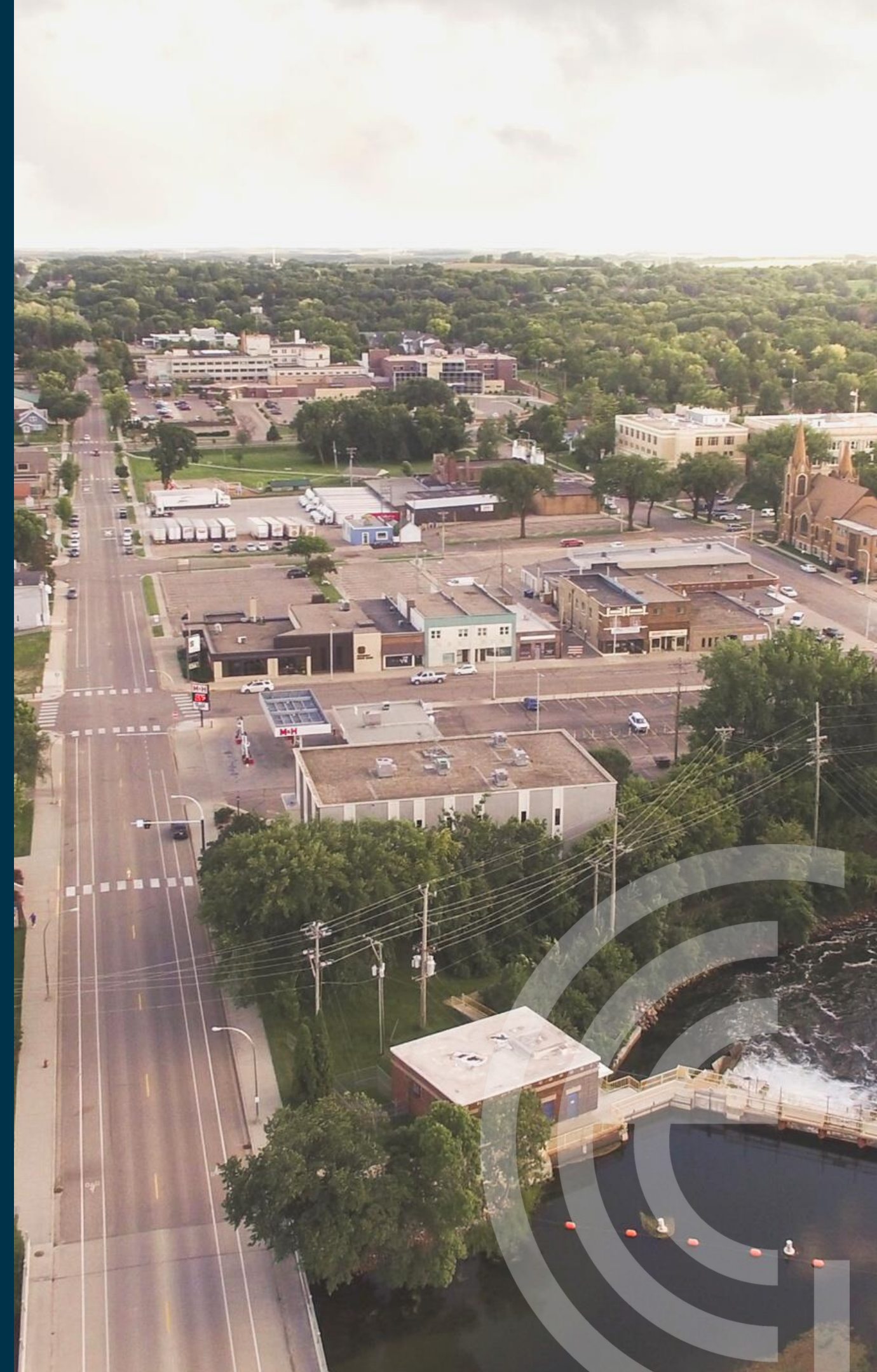
GREATER FERGUS FALLS

- *Our vision at Greater Fergus Falls is to provide support to a vibrant business community through the removal of barriers for start-ups and expansions, and ensuring the continued health of existing businesses in our area.*
 - *Our staff and Board of Directors are dedicated to working alongside businesses and advocating aggressively for their success.*
- 
- A large, stylized logo for Greater Fergus Falls is positioned in the bottom right corner of the slide. It features a large, light blue letter 'G' with a smaller, gold-colored letter 'F' nested inside it. The logo is semi-transparent and partially overlaps the text of the second bullet point.

ABOUT GREATER FERGUS FALLS

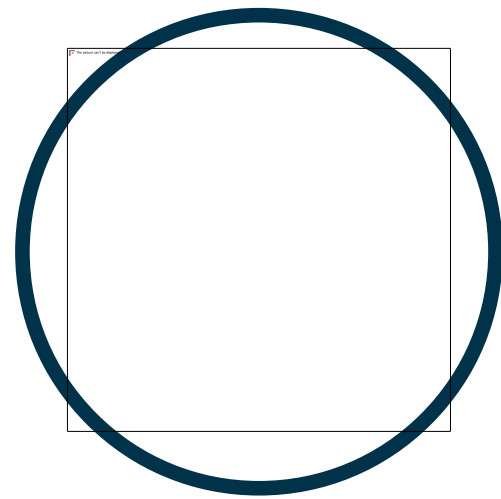
EST. JULY 2018

- private nonprofit 501(c)(3), economic development organization
- cover 25-mile service area
- provide advocacy and technical assistance for business and economic development
- proactively market our region to developers, investors and businesses
- work to remove barriers that hinder development
- 15-member Board of Directors

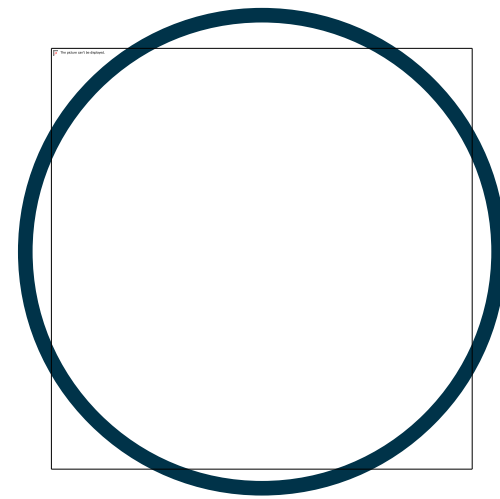


STRATEGIC FRAMEWORK

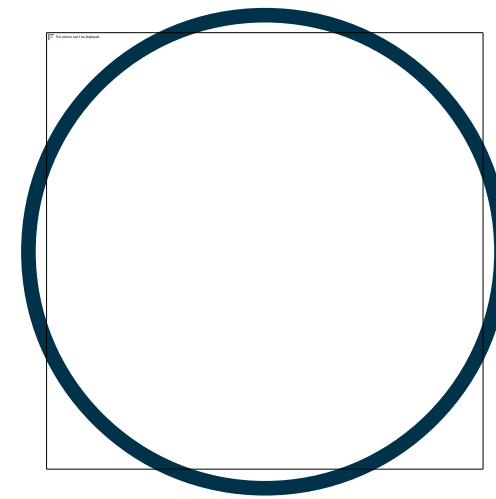
EST. JULY 2019



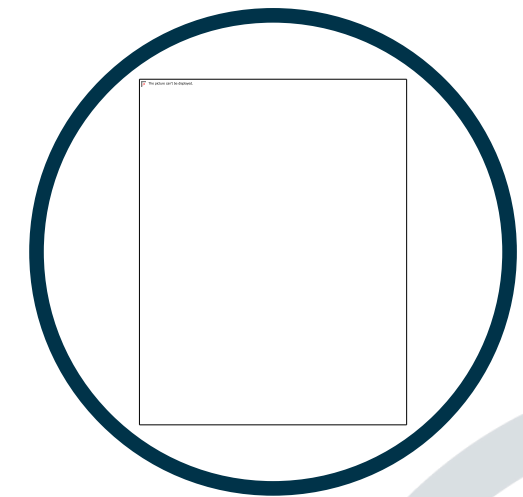
Business
Development &
Attraction



Marketing &
Promotion



Partnerships



Organizational
Sustainability

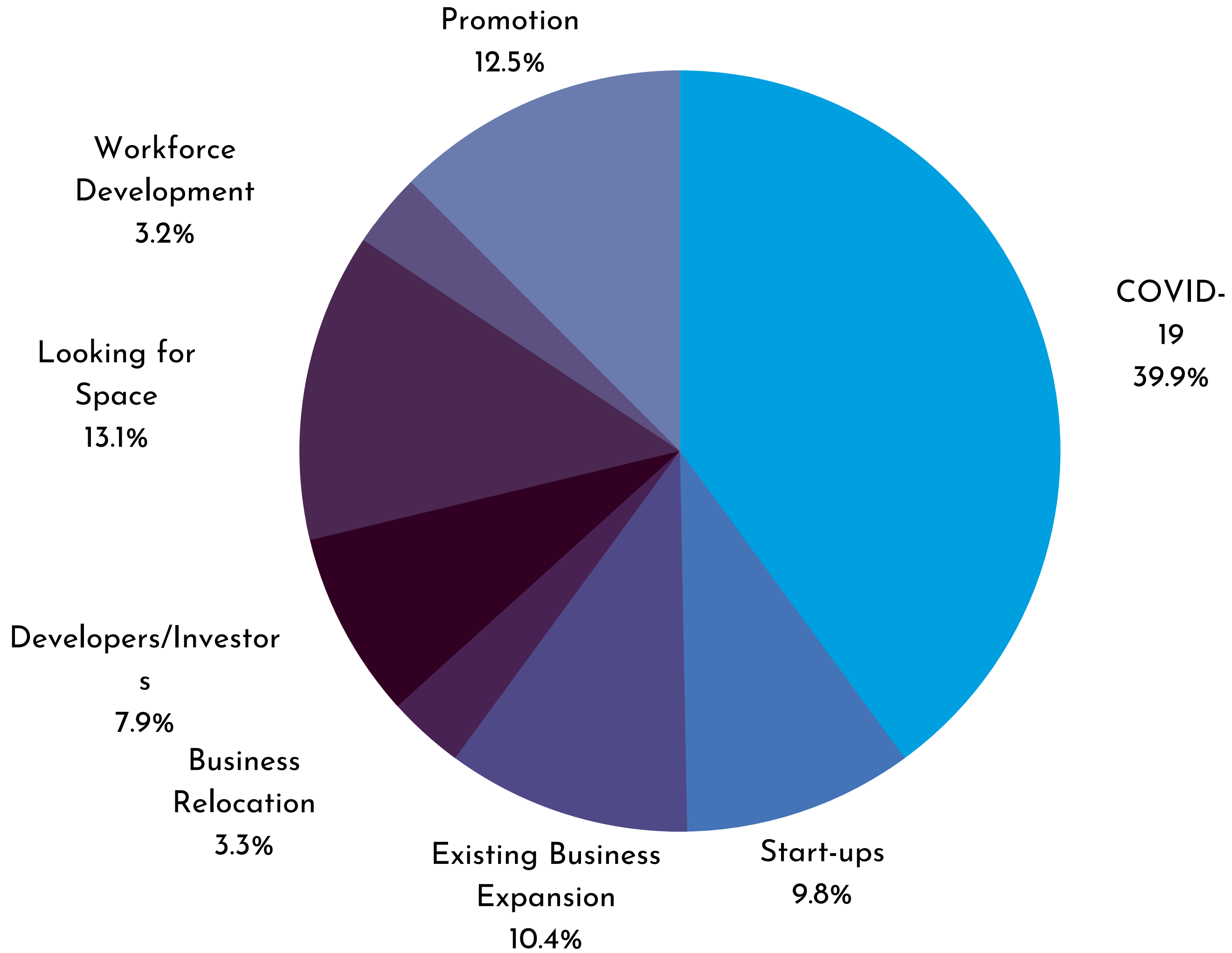


FRAMEWORK GOALS

2020

ACTION	GOALS	ACTUALS
Assist 4-8 startups per year	4-8	37
24 business touch-points per year	24	445
Meet with 12 development professionals	12	12
Connect 10 businesses to programming	10	11
Educate businesses on Pipeline program	3-5	22
Host GFF programming events	2	3
Host business education training events	6-12	6
Publish press releases	24	53
Present to public organizations	12	41
Promote resources with targeted radio ads	36	48
M State Workforce Devevelopment Connections	1	11





HIGHLIGHTS

BUSINESS DEVELOPMENT & ATTRACTION

- over 500 existing businesses
- over 90 start-up inquiries to date
 - 37 eLab participants, 26 completed
- 24+ new businesses
 - Sign Guys, Up North Tattoos, Farmers State Bank, Otter Cove Children's Museum, Papacita's Burritos, 4th Generation Shoe & Leather Repair, Clarity Applied Intelligence, Balance Gymnastics Center, Peney Cakes, Uncle Eddie's Ice Cream, Dandelion & Burdock, Acorns2Oak Consulting, Cardinal Consulting Solutions, Swanston Equipment, Ruby's Pinoy Foods, Sugar High Bakery & Confections



BUSINESS DEVELOPMENT & ATTRACTION

GREATER FERGUS FALLS 2020: ECONOMIC ACTIVITY



- LINCOLN SCHOOL renovation | Otter Preschool & Children's Corner | 40,000 sf | former Target
- SHOREMASTER acquisition of Hydrohoist & Neptune Boats | rebranded to Waterfront Brands | largest in NA
- VECTOR expansion | 23,000 sf | former Shopko
- FARMERS STATE BANK expansion | 4th location
- APPLE TREE DENTAL construction | \$5MM investment
- DOWNTOWN - significantly decreased vacancies
- DEVELOPMENT OPPORTUNITIES - working to position land and properties for development



Showing 45 of 45 buildings by Sqft High

Add All To Favorites Remove All From Favorites



1901 W. Lincoln Ave (Westridge Mall)
Fergus Falls, MN
Commercial, Retail
188,000 SF | 16 Ft Ceiling



1403 Lincoln Ave W (former KMART building)
Fergus Falls, MN
Retail
83,776 SF | 18 Ft Ceiling



1203-1205 W. Lincoln Ave (former Sunmart)
Fergus Falls, MN
Retail, Commercial
53,561 SF | 24 Ft Ceiling



Viking Cola Industrial Property
Fergus Falls, MN
Industrial
49,644 SF

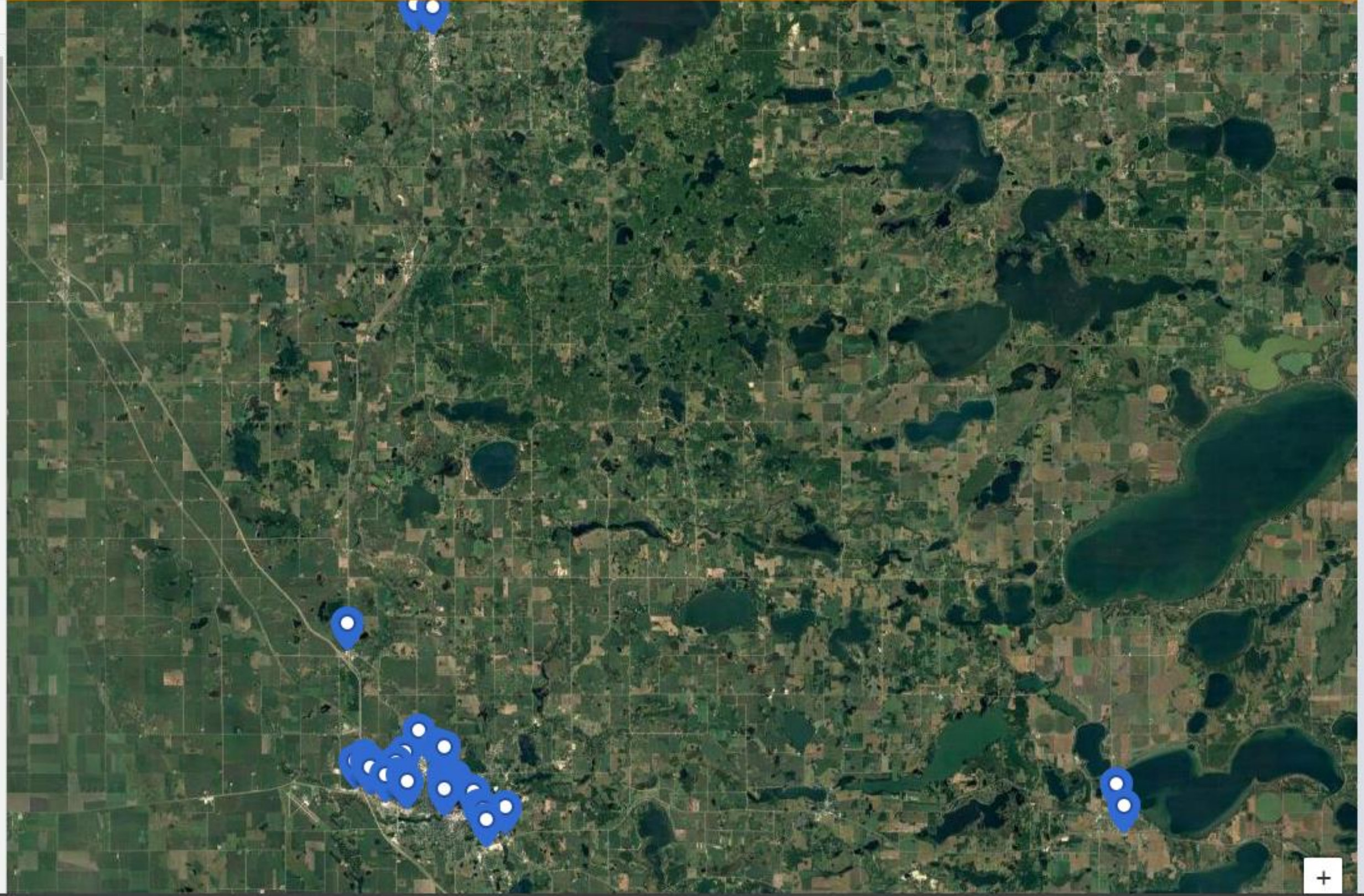


Apartment Complex
Pelican Rapids, MN
Commercial
21,312 SF



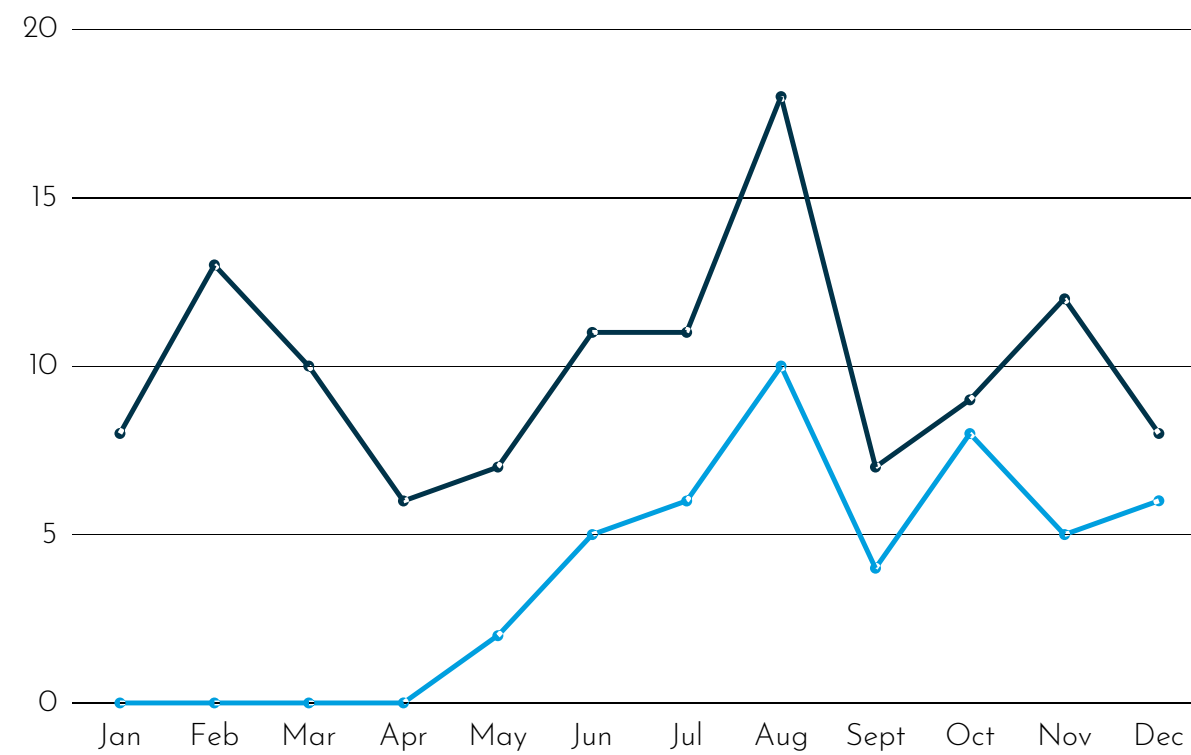
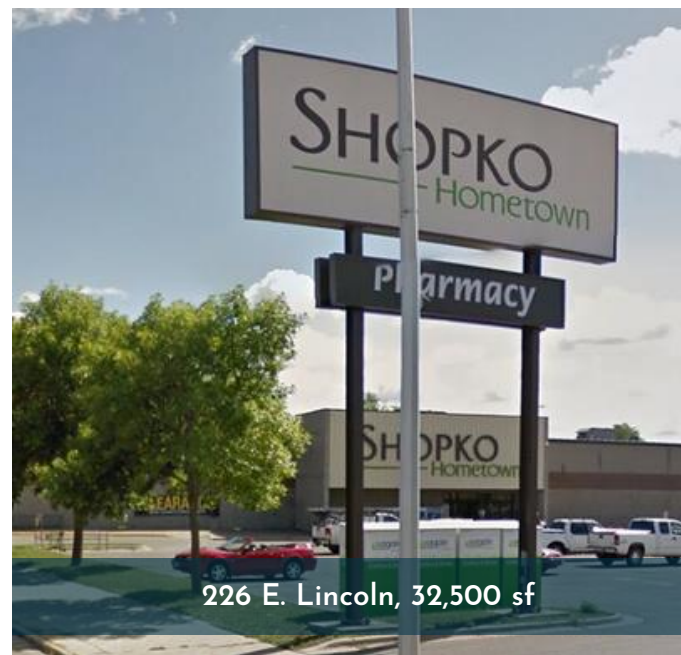
130 W Cavour Ave
Fergus Falls, MN
Commercial, Retail, Office

LAYERS DRAW BUSINESS DATA HEAT MAPS MAP VIEWS MEASURE SHARE RESET



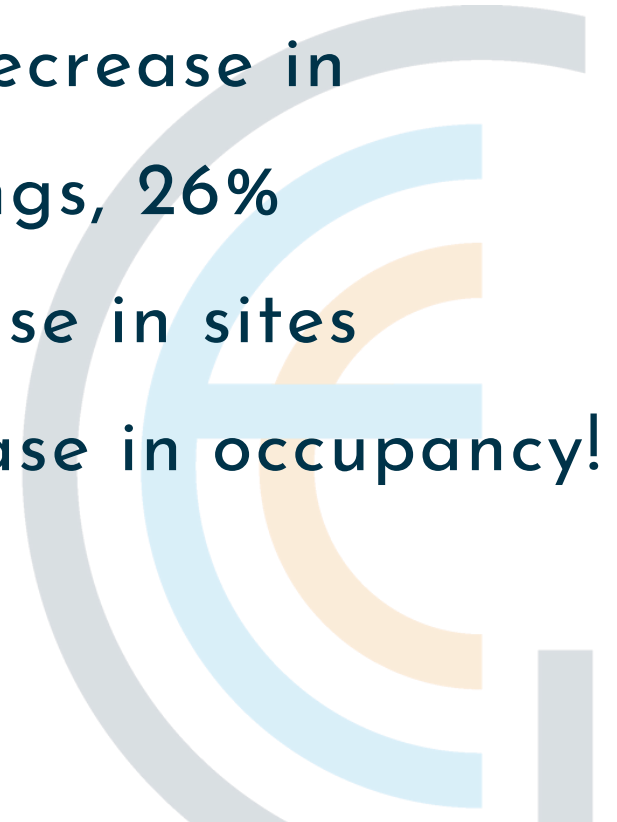
PROPERTIES SOLD

MARKETING & PROMOTION
 (development OPPORTUNITIES, AVAILABLE SITES)
SITES.GREATERFERGUSFALLS.COM



■ 2019 inquiries ■ 2020 inquiries

- 56 inquiries (2019), 120 inquiries (2020)
- 120,781 sq.ft of buildings sold
- 42% decrease in buildings, 26% decrease in sites (increase in occupancy!)

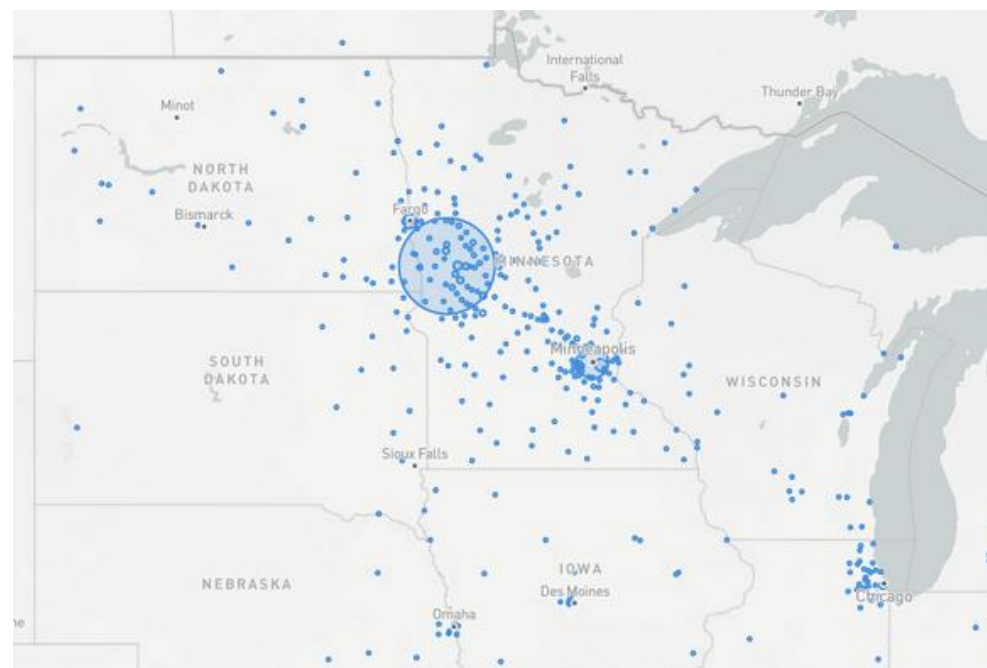
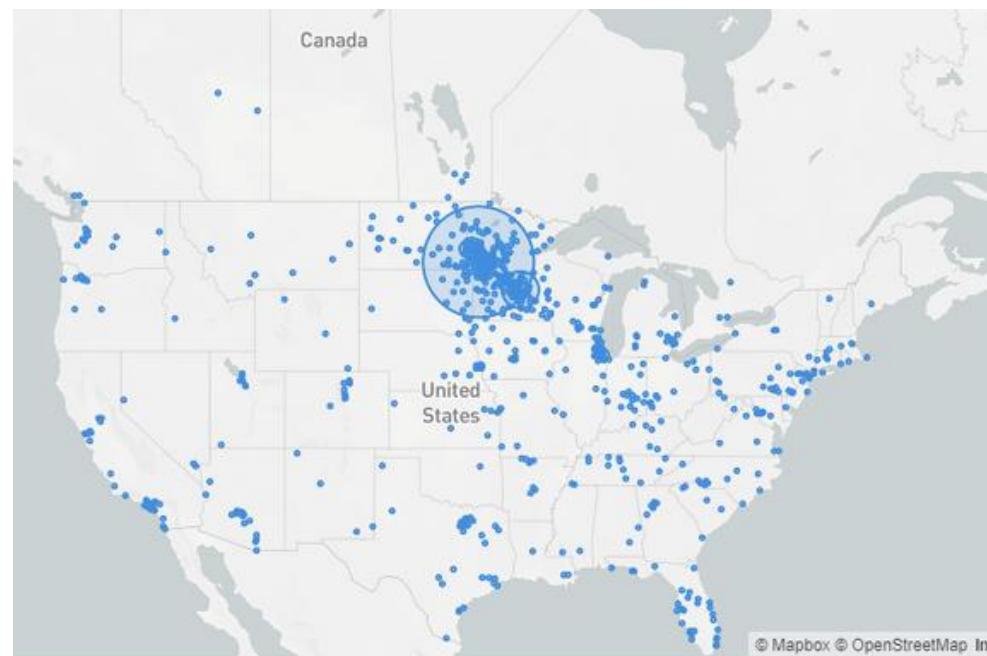


**this list is not inclusive; notable buildings featured*

HIGHLIGHTS

MARKETING & PROMOTION PROACTIVELY PROMOTING OPPORTUNITIES & SERVICES

- 408 inquiries in 2020
 - 29 business looking to relocate
 - 77 developers/investors (half outside of FF)
- greaterfergusfalls.com
- Social Media
 - Facebook
 - Twitter
 - Instagram
 - LinkedIn



2,316 likes ('20), 1,258 ('19), 340 ('18)
3,000 average impression per post
22,900 highest post impressions



384 followers ('20), 220 ('19), 0 ('18)
2,755 tweets
27,000 monthly impressions (avg.)



810 followers ('20), 297 ('19), 0 ('18)
590 posts
Top fans from FF, Fargo, Mpls



308 followers, 122 (2019), 0 (2018)
Top fans from Fargo, Greater MSP,
St. Cloud

HIGHLIGHTS

PANDEMIC RELIEF

- PPE Partnership
 - LRH, Excel Plastics, Shoretex
 - 426k face shields, 835 sneeze guards, 8,000 desk shields, 4,000 gowns
- Project 2-Fold
 - 469 students in need, \$17k
- COVID program technical assistance
- Weekly calls with Governor's team
- Maintained restaurant/brewery list



HIGHLIGHTS

PARTNERSHIPS

- CareerForce
- City of Fergus Falls
- Economic Development Assoc. of MN
- Fergus Falls Area Chamber of Commerce
- Fergus Falls Daily Journal
- Fergus Falls Downtown Council
- Fergus Falls Municipal Airport
- ISD #544
- Local businesses
- Leighton Broadcasting
- MN Commercial Association of Realtors
- M State Community & Technical College
- Otter Tail County
- Otter Tail Lakes Country
- Southern Valley EDA
- Valley News Live
- Visit Fergus Falls
- West Central Initiative and more!



ORGANIZATIONAL SUSTAINABILITY

Below are notable achievements of 2020 that support this proactive approach:

- Immediately pivoted and reprioritized services to meet the needs of our business community from the impacts of the COVID-19 pandemic
- Secured the SBA advance, PPP, Otter Tail County Marketing Grant and City of Fergus Falls CARES funding for our organization
- Created our Service Area map, covering a 25-mile radius around the City of Fergus Falls
- Created comprehensive fundraising strategy
- Created online investor donation portal
- Created investor video in partnership with M State Community & Technical College
- Received \$50,000 matching grant from the Otto Bremer Foundation
- Over 50 investors



RESOURCES

GREATERFERGUSFALLS.COM

2020 Annual Report

- Downloadable PDF online, inquire if you'd like this presented to your organization

Available Sites

- sites.greaterfergusfalls.com; realtors, property owners - updated monthly

Entrepreneur Lab

- free tool for start-ups (ideas) and existing businesses within 10-miles of Fergus Falls
 - discuss business ideas, take to the next level
 - business management coaching, goal setting, accountability, overcome growth obstacles, identify new income opportunities, roundtables, professional development panels
 - *Thurs, Feb 25th, 1pm-2pm*, utilize Facebook Marketplace/Etsy to sell products

HIGHLIGHTS

PARTNERSHIPS - THANK YOU CITY!

- **Ordinance Amendments**
 - Warehouse as IUP in B-3, B-4, B-6
 - Light Industrial in B-5, B-6
 - Use definitions
 - Tattoo parlor, dog grooming
- **Funding Programs**
 - Companion Animal Hospital, Country Financial, Rivers Edge Investments, Pay it Forward Program, CARES funding
- **Development Activity**
 - Sale of Shopko
 - Sale of Port Property
 - Delivery business - 507 Sheridan
 - ...other projects in the works!



MEET THE TEAM

WHO'S BEHIND GREATER FERGUS FALLS?



ANNIE B. DECKERT
CEO



SOCIAL MEDIA
Engage with us



NETIA BAUMAN
Business Development
Coordinator





QUESTIONS?

Thank you





Council Action Recommendation

Page 1 of 2

Meeting Date:

February 24, 2021 – Committee of the Whole

March 1, 2021 – City Council

Subject:

Otter Tail Power Company Hoot Lake Solar Project

Recommendation:

- Resolution accepting the Hoot Lake Solar Environmental Assessment Worksheet (EAW) Findings of Facts and Record Decision for a Negative Declaration not requiring an Environmental Impact Statement (EIS)

Background/Key Points:

Minnesota Rules 4410 required Otter Tail Power Company (OTP) to prepare a mandatory Environmental Assessment Worksheet (EAW) for the solar project. Portions of the proposed project currently lie both within and outside of the present City Limits. It is intended that the entire project area will eventually be within the City's jurisdiction after relevant annexations are complete. Thus the City, with the agreement of Otter Tail County, is considered to be the Responsible Government Unit (RGU) which is required to review and approve the EAW document.

Otter Tail Power Company (OTP) has completed the EAW process for the proposed construction of a 49.9 megawatt solar farm. The completed EAW document, including background documents, has been submitted to the City of Fergus Falls (RGU) for its review and final decision. The RGU's responsibility is to determine if the EAW is complete, and if so, does it satisfactorily address the reasonably foreseeable environmental impacts of the project.

At the closing of the 30 day public comment period on December 30, 2020, the City received 3 agency letters and 37 public comments letters. A majority of the letters consisted of multiple comments with a majority being substantive to the EAW scope and a few deemed not substantive. Because of this, all comments were reviewed and segregated accordingly and responded to in the Public Comments/Responses table attached for reference.

The City hired Braun Intertec to provide professional services for the independent review of the EAW comments to aid in this evaluation. Attached is a letter from Braun Intertec addressing its conclusions regarding the EAW for the Hoot Lake Solar Project.

The decision options for the City (RGU) are as follows:

1. Determine the EAW is complete but there remains foreseeable significant environmental impacts for the project that require further analysis to satisfactorily

address. This conclusion requires the completion of an Environmental Impact Statement (EIS) before the project can move forward.

2. Determine the EAW is complete, that it satisfactorily addresses all reasonably envisioned environmental impacts of the project, and thus does not require further project analysis. This conclusion would lead to a “Negative Declaration” allowing the project plan to move forward to the next stage.

Issues raised during the EAW process will be more completely addressed during the final design and permitting stages of the project as the overall process moves forward.

I am requesting the City Council schedule the Final EAW Decision discussion for the City Council meeting on March 1, 2021.

Budgetary Impact:

Otter Tail Power (OTP) was responsible for preparing the EAW and the associated publication fees. General City staff time was utilized for review and coordination.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow - City Engineer

Attachments:

Environmental Assessment Worksheet (EAW) Findings of Facts and Record of Decision
Public Comments/Responses to Published EAW (UNOFFICIAL)
Braun Intertec EAW Review letter

**FINDINGS OF FACT AND RECORD OF DECISION
ENVIRONMENTAL ASSESSMENT WORKSHEET**

**For the Hoot Lake Solar Project
Location: Fergus Falls, Otter Tail County, Minnesota
Responsible Governmental Unit: City of Fergus Falls**

Responsible Governmental Unit

Contact Person
Title
Address
City, state, ZIP
Phone
Fax
E-mail

City of Fergus Falls
Brian Yavarow
City Engineer
112 W. Washington Avenue
Fergus Falls, MN 56537
218-332-5413
218-332-5449
Brian.Yavarow@ci.fergus-falls.mn.us

Proposer

Contact person
Title
Address
City, state, ZIP
Phone
Fax
E-mail

Otter Tail Power Co.
Mark Thoma
Manager, Environmental Services
215 S. Cascade Street
Fergus Falls, MN 56537
218-739-8526
218-739-8629
mthoma@otpc.com

Final action: Based on the Environmental Assessment Worksheet (EAW), this Findings of Fact and Record of Decision, and related documentation for the above project, the City of Fergus Falls (City) concluded the following on March 1, 2021:

1. The EAW, this Findings of Fact and Record of Decision document, and related documentation for the Hoot Lake Solar Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The EAW, this Findings of Fact and Record of Decision document, and related documentation for the project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based on the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.4300):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.

4. The finding by the City that the EAW is adequate and no Environmental Impact Statement (EIS) is required provides no endorsement, approval, or right to develop the project by the City and cannot be relied on as an indication of such approval. This finding allows Otter Tail Power Company (OTP) to formally initiate the City's process for considering the specific permits and approvals necessary for development and operation of the project, and for the City, informed by the record of the EAW, to identify and encourage conditions for compatible project construction and to assure their implementation at the project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an EIS for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City prepared a Mandatory EAW for the Hoot Lake Solar Project according to the Environmental Review Rules administered by the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 3, Electric-generating facilities. OTP is proposing to develop a 49.9-megawatt alternating current (MW-AC) solar photovoltaic (PV) project (Project) near OTP's Hoot Lake Plant. The Project would be located on a site partially within the city of Fergus Falls, Minnesota, on approximately 450 acres of OTP-acquired lands that were previously primarily in agriculture. OTP is in the process of petitioning the City to annex the portion of the Project currently outside the City. Upon completion of the annexation process, the solar facility will be completely within city limits. The Project would include approximately 150,000 PV solar modules laid out in rows in a north-south orientation.

II. EAW NOTIFICATION AND DISTRIBUTION

On November 27, 2020, the City provided public notice of the EAW and distributed it to the EQB mailing list and to the Project mailing list. The EQB published notice of availability in the *EQB Monitor* on November 30, 2020.

A notice was also posted on the City website at www.ci.fergus-falls.mn.us, and in the *Fergus Falls Journal*. These notices provided information on where copies of the EAW were available, notified the public of a public hearing, and invited the public to provide comments during the 30-day comment period.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The official comment period on the EAW extended for 30 days, from November 30, 2020, to December 30, 2020. On Tuesday, December 8, 2020, the City held an in-person and virtual public meeting via the online Zoom platform. This was followed by an opportunity for the public to provide comment. The City also held Project informational meetings with the county. Each of the meetings included a short presentation on the proposed Project and the EAW process.

In addition to the Minnesota Environmental Policy Act public meeting and comment period, OTP participated in a number of community meetings outside of the EAW process to explain the proposed Project to local community members.

During the public notice period, 3 agency letters and 37 public comment letters and emails were received. Attachment A includes the 40 comment letters and emails received. Attachment B includes a table that provides responses to the individual

substantive comments within the letters and emails. There were general comments in support of and opposition to the proposed Project. Some of the common concerns brought up in the correspondence included concern over city zoning ordinances, noise, wildlife movement and native habitat, visual impacts, and traffic. Several substantive comments identified factual errors in the EAW. These issues and errors are described in Section V, below.

On February 4, 2021, the City notified OTP, the EQB, those on the Project distribution list, and those who commented on the EAW that the period for issuing a finding of facts and making a declaration would be extended. The letter indicated that the extension was necessary for the following reasons:

- The declaration, either negative or positive, regarding the need for an EIS must be made and approved by the City Council, which meets only on a periodic basis. Additional time is needed to organize around the Council's scheduled meetings.
- A public comment was made requesting that the City engage an independent consultant on the Project. In response to this public comment, the City has hired Braun Intertec to perform this review. Additional time is needed for contractor review of the EAW, the comments received during the comment period, and the responses to comments.
- The City is reconsidering its zoning ordinance related to solar energy systems. Responses to public comments on the proposed Project are being completed in light of the ongoing City process.
- The time extension will allow for a thorough review and thoughtful consideration of the public comments received regarding the EAW.

The Fergus Falls City Council considered the EAW and the Findings of Fact and Record of Decision document during its March 1, 2021, meeting. Notification of this public meeting was distributed via the City's standard notification methods.

IV. COMMENTS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The City received 40 comment letters and emails during the public comment period from the following:

1. Barb Neileib, December 14, 2020
2. Dana and Megan Beckler, Fergus Falls, MN, December 15 and 18, 2020
3. David Schroeder, December 24, 2020
4. Deb Kleven, Fergus Falls, MN, December 21, 2020
5. Deborah Bass, December 22, 2020
6. Minnesota Department of Natural Resources, December 22, 2020
7. Erik Anthonisen, December 30, 2020
8. Gaylan Mathiesen, Fergus Falls, MN, December 14, 2020
9. Isaac Orr, December 22, 2020
10. Janell Miersch, Fergus Falls, MN, December 30, 2020
11. Joanne Wilner, Fergus Falls, MN, December 27, 2020
12. Karen Terry, December 29 and 30, 2020
13. Katie Tysdal, December 27 and 30, 2020
14. Mike Rheault, December 18, 2020

15. Molly Stoddard, Fergus Falls, MN, December 30, 2020
16. Minnesota Pollution Control Agency, December 30, 2020
17. Richard and Katherine Lahti, Fergus Falls, MN, December 29, 2020
18. Minnesota State Historic Preservation Office, December 30, 2020
19. Tami Revering, December 31, 2020 (received after the December 30 deadline)
20. Tere Mann, Fergus Falls, MN, December 30, 2020
21. Thane Schmidt, December 29, 2020
22. Valerie Thompson, December 30, 2020
23. Wayne Macheledt, Fergus Falls, MN, December 8, 2020
24. Kevin Brennan, January 7, 2021 (received after the December 30 deadline)
25. Bret Borth, December 10, 2020
26. John Dinsmore, Fergus Falls, MN, December 29, 2020
27. Beth Monke, Fergus Falls, MN, December 30, 2020
28. Dan Shaw, December 29, 2020
29. Clarence Johnson, Fergus Falls, MN, December 11, 2020
30. David Lindig, Fergus Falls, MN, December 14, 2020
31. Ellen Anderson, December 21, 2020
32. Jake Krohn, Fergus Falls, MN, December 21, 2020
33. Laurie Mullen, December 30, 2020
34. Michael Van Valkenburg, Fergus Falls, MN, December 23, 2020
35. Patricia Kingston, December 30, 2020
36. Patty Lindholm, December 19, 2020
37. Roy Anderson, Fergus Falls, MN, December 21, 2020
38. Rud Wasson, Fergus Falls, MN, December 27, 2020
39. Scott Wagnild, December 18, 2020
40. Tom Kingston, December 30, 2020

The City analyzed the comment letters to identify individual comments that were substantive in nature and required a specific response. Of the 40 letters, the City identified 180 substantive comments. The complete comments can be found in Attachment A; responses to all substantive comments can be found in Attachment B.

V. ISSUES IDENTIFIED IN THE EAW

The following factual discrepancies or impact issues were identified during the EAW process, either during its development or public review. They are listed by the EAW item number.

5. The EAW inadvertently identified the Project location in the Red River of the North Watershed. The correct watershed is the Otter Tail River Watershed (HUC8 #09020103).
6. Additional detail associated with the Project description, as a result of public comments, has been defined. Specifically, the security boundary fence would be a woven-wire fence; OTP will develop a decommissioning study, vegetation management plan, and internal maintenance schedule for the Project; and final design will incorporate all regulatory property setbacks and City ordinance requirements.
7. The Cover Type table provided in the EAW suffered a formatting error in its description of before and after acres of Developed areas, specifically Roads/Bldgs., Inverter Pads, and Solar Panels. The correct acreage numbers are shown in Table 1, below.

Table 1: Cover Types

Developed	Before (Acres)	After (Acres)
Roads/Bldgs.	2.57	8.05
Inverter Pads	0.00	0.16
Solar Panels	0.00	84.36

9. All Project components will be sited on OTP-acquired lands, and no public lands will be used. As described in the EAW and the City’s Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards). Additionally, the design considers the City of Fergus Falls Shoreland Management Ordinance and required processes for development. Currently, City zoning requires land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 feet for agricultural land uses and 50 percent of the structure setback for all other land uses. OTP will design setbacks based on conditions required by the City.

The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.

10. OTP has developed a conceptual Project design that seeks to minimize the need for site grading. Grading will occur in some areas to lessen slope steepness to accommodate the acceptable slope requirements of the solar array and associated equipment. The City will review the final proposed site plan as part of the building permit process. However, OTP will develop a stormwater pollution and prevention plan (SWPPP) that will describe the erosion control measures and revegetation plan of disturbed soils to minimize effects from grading and erosion. OTP will need to adhere to the SWPPP and obtain a construction stormwater permit from the Minnesota Pollution Control Agency (MPCA).
11. The Project will comply with the City of Fergus Falls Shoreland Management Ordinance. If necessary, the Project will apply for a conditional use permit for development within shoreland zones. Stormwater management will be implemented on site in accordance with the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater General Permit (MN R 100001), as required to meet permit conditions. Locations and sizes of stormwater management features will be developed during the detailed design phase of the Project. Where stormwater basins are required, the Project intends to use infiltration basins to the extent practicable. Erosion control plans will be designed by trained erosion control specialists as part of the SWPPP, and will require regular inspections and maintenance of erosion control measures.
12. OTP will apply for all necessary permits for the construction and operation of the solar facility and will meet any permit-specific conditions or requirements, including the proper disposal of damaged equipment. Solar panels that have been damaged beyond repair will be removed and properly disposed (within regulated, lined landfills) or recycled to the extent practicable.

13. A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may not have been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. All other parcels in the Project area have been previously impacted through tilling, sand and gravel mining operations, excavation of artificial drainage systems, or other forms of development. It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock tend to avoid.

Although these areas may not have been plowed or disturbed, by using the Minnesota Department of Natural Resources' "Prairie Establishment and Maintenance Technical Guidance for Solar Projects" and exploring opportunities for pollinator friendly plantings, taken in total the Project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation. The specific seed mixes will be identified and included in the vegetation management plan. Gravel is not being proposed to be placed in all areas under the solar array. Gravel pads or bases would be used only for inverter stations, operations and maintenance buildings, and access roads. These facilities make up approximately 8.2 acres of the total Project area (355 acres). The rest of the Project would be vegetated. OTP will be using native plantings up to 2 feet in height around and under the solar panels. Revegetation in other places will not be limited to the 2-foot height limit.

OTP is planning to install a woven wire fence, which will be less visually intrusive compared to a chain link fence. Most wildlife species will still be able to access the area except for large species like white-tailed deer. Small wildlife will be able to pass through the fencing. OTP will also consider making areas where mid-sized wildlife could pass (e.g., fox and coyote). Large species such a white-tailed deer will be restricted from the area by the height of the fence and will have to travel around the facility. The location of the fence is set back from the property line, which will allow for safe movement corridors around the Project.

15. During detailed design, OTP intends to work with adjacent landowners and the City on specific Project screening requests. The Project will be visible to those traveling along Highway 210. As indicated by the mandatory EAW, the new development of a Project site does not automatically result in significant impacts on the visual resources of the area. The EAW identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, and impacts from vapor flumes or intense lights. There are no designated scenic views or vistas in the Project area, and the Project will not result in vapor plumes or require intense lights.
17. The EAW did not disclose all sources of noise but focused on the louder ones. The installation of small piles to support the solar infrastructure would probably be the loudest contributor to the construction noise levels. Depending on the size and type of pile driver, the noise level could be approximately 85 to 90 decibels (dB) at a distance of 50 feet. This would be reduced at 75 feet to approximately 82 to 87 dB.¹ For comparison, a motorcycle is approximately 90 dB from 25 feet away, and a

¹ County of San Diego. 2015. *Soitec Solar Development Project Final Program Environmental Impact Report*. January. <https://www.sandiegocounty.gov/pds/ceqa/Soitec-Solar-EIR.html>.

tractor/combine is approximately 95 dB from the source of the noise when in full operation and 80 dB when idling.²

Some concern was raised about the sound of the tracking system. Based on additional discussions with equipment manufacturers, the anticipated level of noise of the tracking system is approximately 44 dBA over a 5-second period. For comparison, this is the same noise level of a library or a bird call. OTP will comply with any necessary noise restrictions required by the City.

18. The existing traffic levels on Highway 210 and on Main Street, a gravel road, near the Project area are low. The construction traffic would be split between the two access points and would be more appropriately described as 75 vehicles per access point, resulting in about 7 vehicles per hour at each site. Given the addition of construction-related daily trips, it is anticipated that the roadways would have adequate capacity to accommodate the estimated increase in traffic during the 9-month period of construction. OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an EIS is needed, the Minnesota EOB rules (4410.1700 Subp. 6) require the responsible governmental unit, the City in this case, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison.

A. Type, Extent, and Reversibility of Environmental Effects

The City finds that the analysis completed during the EAW process is adequate to determine whether the Project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed Project. In addition to the information in the EAW, the public and agency comments received during the public comment period (see Attachment A) were taken into account in considering the type, extent, and reversibility of Project impacts. None of the impacts considered were raised to the level of significant. In addition, proposed measures will reduce potential impacts, such as the implementation of the construction SWPPP and wetland setbacks, while other measures, such as reseeding with native plants, will provide benefits to the area. None of the environmental effects are irreversible.

B. Cumulative Effects of Related or Anticipated Future Projects

Cumulative effects of related or anticipated future projects include the decommissioning of the Hoot Lake Plant in 2021 (which would reduce cumulative ambient noise), the potential for future paving the portion of Main Street that bisects the Project area (which would provide improved access) by the City, and continued

² Bliss, Judy. 2018. Farming is Noisy Business – Don't Let it Steal Your Hearing! University of Florida IFAS Extension. January 26. <http://nwdistrict.ifas.ufl.edu/phag/2018/01/26/farming-is-noisy-business-dont-let-it-steal-your-hearing/>.

implementation of the Northeast River Reach Small Area Plan (which would continue City economic development goals).

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

OTP will acquire any permits and approvals that may be required by federal, state, and local agencies, and will implement any required conditions necessary, including those that will reduce impacts and further protect the environment. Table 2 lists the permits or approvals that may be required for project construction and operation. Depending on final design, it is expected that not all these permits will be required.

Table 2: Permits and Approvals

Unit of Government	Type of Permit or Approval
United States Army Corps of Engineers	Section 404 of the Clean Water Act Permit
United States Fish and Wildlife Service	Section 7 Federal Endangered Species Act Consultation - Review for Threatened and Endangered Species based on 404 Permit-informal coordination
	Bald and Golden Eagle Protection Act, Non-Purposeful Take of Eagles Permit and/or Nest Take Permit
	Migratory Bird Treaty Act
Federal Lead Agency	Section 106 of the National Historic Preservation Act review of historical and archaeological resources
Federal Energy Regulatory Commission	Exempt Wholesale Generator Self Certification
	Large Generator Interconnection Agreement
Minnesota Department of Natural Resources	Public Waters Work General Permit (depending on transmission line work)
Minnesota Board of Water and Soil Resources	Minnesota Wetland Conservation Act Approval
Minnesota Department of Transportation (MnDOT)	Oversize/Overweight Permit for State Highways
	Application for Working within State Highway Right of Way
	Application for Utility Permit on State Highway Right of Way
	Access Driveway Permits for MnDOT Roads
Minnesota Department of Labor and Industry	Building Plan Review and Permits
Minnesota Pollution Control Agency	Clean Water Act Section 401 State Water Quality Certificate
	NPDES General Permit (Construction Stormwater; Stormwater Pollution Prevention Plan)
Otter Tail County	Site and Lot Alteration Permit
	Shoreland Conditional Use Permit
Fergus Falls	Building Permit
	Shoreland Conditional Use Permit

OTP will be required to obtain a building permit from the City for the construction of the Project. The City would be able access the property during construction to determine if conditions are being met. Once the Project is in operation, the City would have authority to inspect the property if it is determined that OTP is not meeting the City's codes and ordinances.

OTP will also require a Construction Stormwater Permit under the NPDES program and develop a SWPPP before starting construction. The Project will adhere to the SWPPP to prevent stormwater runoff during construction of the Project including the implementation of erosion and sediment control best management practices.

Other permits may be required once the Project design is complete. These permits and approvals necessary to construct and operate the Project will require enforceable measures and conditions that will further reduce environmental effects.

D. Extent to Which Environmental Effects Can be Anticipated and Controlled as a Result of Other Environmental Studies Undertaken by Public Agencies or the Project Proposer, or of Environmental Reviews Previously Prepared on Similar Projects

Although not exhaustive, the City reviewed the following documents as part of the environmental analysis for the Project:

- Data presented in the EAW and their associated references
- Permits and environmental review of similar projects

The Project is not to the final design stage, and Project elements would be reconsidered during further development to minimize impacts. The environmental effects of the Project have been assessed, and the list of permits and approvals identified in Table 2 will require OTP to obtain approvals prior to construction. OTP would also be required to conform with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the EAW, the Findings of Fact and Record of Decision, and related documentation for this Project, the City, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The EAW, this Findings of Fact and Record of Decision document, and related documentation for the OTP Hoot Lake Solar Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The EAW, this Findings of Fact and Record of Decision document, and related documentation for the Project have satisfactorily addressed all the issues for which existing information could have been reasonably obtained.
3. The Project does not have the potential for significant environmental effects based on the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies

or the project proposer, or of environmental reviews previously prepared on similar projects.

- VIII.** The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval, or right to develop the Project by the City and cannot be relied on as an indication of such approval. This finding allows OTP to formally initiate the City's process for considering the specific permits and approvals necessary for development and operation of the Project, and for the City, informed by the record of the EAW, to identify and encourage conditions for compatible project construction and to assure their implementation at the Project site.

Consequently, the City makes a Negative Declaration and does not require the preparation of an EIS for the Project.

Attachments:

Attachment A: Agency and Public Comments

Attachment B: Substantive Comment Responses

Attachment C: MN Department of Commerce Solar Size Determination

Unofficial

ATTACHMENT A: AGENCY AND PUBLIC COMMENTS

COMMENT LETTER 1

From: "Barb Neileib" <bjneuleib@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/14/2020 09:53 AM
Subject: Re:

We live on the east end of FF, & are concerned about industrial development impacting our rural landscape. How do you plan to minimize the visual impact?
Sent from my iPhone

From: "Megan Beckler" <meganbeckler@multi-business-solutions.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/18/2020 11:33 PM
Subject: Re: Comments re: Hoot Lake Solar

To whom it may concern:

I am writing to formally request a full copy of the response to all substantive questions that are compiled from the 30-day comment period when it becomes available.

Response may be mailed to:
Dana & Megan Beckler
22599 Birchwood Estates Lane
Fergus Falls, MN 56537

Thank you,

Megan

On Tue, Dec 15, 2020 at 12:04 AM Megan Beckler <meganbeckler@multi-business-solutions.com> wrote:

Hello,

Below are my comments/questions re: Hoot Lake Solar and the city's role in overseeing the EAW process:

#1 - What are the current solar ordinances and where would I find a copy of them? The table below is what I could find by searching on the City of Fergus Falls website as well as American Legal Publishing Corporation. Andrew Bremseth mentioned a few different times

at the public hearing that an argument could likely be made that the ordinances are insufficient for a nearly 500 acre, 49.9 megawatt project. I would say a 90-day moratorium would be the mere beginning of the requirements and that more ordinances are very likely needed in order to protect neighbors and the environment, and not just rely on the "good faith" of the hometown corporation. Solar has changed quite a bit in the past 5 years, so I'd say a review and likely revision is prudent. Also, when did the 90-day moratorium begin for this project?

<i>Ord. No.</i>	<i>Series</i>	<i>Date Passed</i>	<i>Description</i>
20	Seventh	2-21-2015	Ninety-day moratorium on construction, erection, placement, reconstruction, enlargement or expansion of ground-mounted solar energy systems and development and use of property for such purposes

#2 - What do the current (and potential) ordinances require for setbacks (from roads including state highways, county/township roads, from residences, and requirements of trees for screening and aesthetics, as well as how do they address density issues with more solar farms being placed near substations for transmission?)

#3 - Are there county-level ordinances regulating solar projects? If not, should something more comprehensive be looked at for that level of government considering solar is going to become more and more common?

#4 - There seems to be many "unknowns" with this project and they'll "decide details when they get further into the project". I can understand that to a certain extent, but when they are surrounding entire plats of land, I think people deserve the courtesy of knowing the details:

- OTP doesn't know what kind of fence they'll use??
- OTP doesn't know exactly how much grading of the land will be necessary?? How might this further impact erosion which will already be impacted due to changing the topography of the land??
- OTP doesn't know what types of grasses can be planted under the arrays??

#5 - Has there been research about the economic impacts to nearby residents?

#6 - What is the city's current plan for expansion? If not to the east (due to this project), then where?? Other communities have nearly doubled in size in the last 20 years (Alexandria, Detroit Lakes). How might this limit the growth Fergus Falls is trying to foster in recent years?

#7 - What will OTP do to maintain current wildlife habitats and strive to maintain dual use of the land whenever possible (i.e. bald eagle nest referenced on p 20)?

#8 - I challenge you to set forth guidelines that force OTP to use all best practices (many of which can be avoided by them choosing to do 49.9 MW instead of 50+). It is absurd that a solar farm INSIDE the city limits wouldn't follow all best practices that have been developed to-date.

#9 - What government entity will be responsible for maintaining Main Street during construction and afterward (Aurdal Township or City of Fergus Falls)? Would there be consideration made to pave this road? How does this impact any city/county-wide transportation plans for a possible north by-pass of Fergus Falls to connect Hwy 210 and County Road 1?

#10 - What are the criteria for deeming an EIS might be needed vs. just "rubber stamping" this EAW that OTP has provided so far, along with OTP's fairly aggressive timeline? Who on the City Council is representing the currently non-represented residents who live outside the city limits but who will be greatly affected by the City's decision on this project since the City of Fergus Falls is serving as the RGU vs Otter Tail County? Also, is there a conflict of interest when the City looks at annexing and recouping tax revenue lost by Hoot Lake vs. the actual environmental/economic impacts to the people who live nearby and will get to deal with it day in and day out?

Kindly let us know how/when we can expect to hear a response to these comments/questions.

Thank you,

Megan & Dana Beckler

--

Megan Beckler
Multi Business Solutions Inc
701.367.7846
<https://meetings.hubspot.com/meganbeckler>

From: "David Schroeder" <ddschroeder16@gmail.com>
To: hootlakesolar@ci.fergus-falls.mn.us
Cc: ben.schiere@ci.fergus-falls.mn.us, jim.fish@ci.fergus-falls.mn.us, krista.hagberg@ci.fergus-falls.mn.us,
tom.rufer@ci.fergus-falls.mn.us, scott.kvamme@ci.fergus-falls.mn.us, brent.thompson@ci.fergus-falls.mn.us,
justin.arneson@ci.fergus-falls.mn.us, anthony.hicks@ci.fergus-falls.mn.us, "Karoline Gustafson" <Karoline.Gustafson@ci.fergus-falls.mn.us>
Date: 12/24/2020 04:57 PM
Subject: Solar farm, OTP

To whom it may concern,

I want to express some reservations I have regarding Otter Tail Power's current plan for the solar farm east of Fergus Falls. I am hoping that the city of Fergus Falls would, at a minimum, update solar ordinances to be in alignment with best practices. This may require a moratorium on the development to give the city enough time to update your solar ordinances. I also have some concerns about the development, in general, along the river east of town in what could be prime real estate for development.

I understand there are a lot of costs with infrastructure and such, but if this area were to be developed for housing or other use, I would imagine the city's long term benefit would be much greater from a revenue and esthetics point of view.

At a minimum, I would hope the city officials would require: set backs from roads and property lines; proper year round fencing, including bushes and trees planted on the developer's property; wildlife friendly fencing; burying lines and generally making such a blight less visible would be in the best interest of the city.

I recognise the need to ensure tax revenue but I hope you have seriously considered if this is the highest and best use of the property. Thank you for your consideration.

David Schroeder

From: "Don Kleven" <ddkleven@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/21/2020 07:32 PM
Subject:

Brian Yavarow,

Questions and concerns for the City of Fergus Falls to consider regarding the Hoot Lake Solar plan.

- Will there be habitat degradation
- Will the base be vegetative or gravel
- Will the One Mile Prairie, wetlands, or CRP acres be affected in any way
- Will there be any fire concerns for the Fire Department
- Leaving some of the established trees would relieve some of the eyesore effect
- Will the solar 'farm' be taxed by the City as commercial or agricultural
- Will the City have to rezone the site
- Will soil samples be taken periodically to monitor heavy metal or other by-products
- What will OTP do with the solar panels once the federal and state tax incentives expire
- Will there be a decommissioning plan established prior to the start of the project
- How will OTP reimburse homeowners for property devaluation
- Will the homes inside the site area be annexed into the City
- What is the plan for remaking and upkeep of the horrible road known as Main Street
- Blacktopping the road from Fergus Falls to Hwy 210 would go a long way to ease concerns
- Setbacks from landowner property lines should be at least 350'
- Does the City have noise regulations for this type of project
- Wouldn't the City be better off financially if the property was residential with new homes
- Will any and all policies and contracts be available for viewing
- OTP does have other sites in their territory that have interconnections they could tie into that wouldn't disrupt residential areas as this would
- OTP is clearly avoiding PUC regulations by staying under 50 MW
- As a sign of good faith - OTP should adopt neighbor friendly provisions of the best practices ordinances that would be required if the project was over 50 MW as other MN companies have done

Please consider a moratorium to pause this project until adequate ordinances are established and concerns of all affected can be addressed.

Thank you for your time,

Deb Kleven
22756 Birchwood Estates Lane
Fergus Falls MN 56537

ddkleven@gmail.com

From: deborahfear@aol.com
To: "hootlakesolar@ci.fergus-falls.mn.us" <hootlakesolar@ci.fergus-falls.mn.us>
Cc: "ben.schierer@ci.fergus-falls.mn.us" <ben.schierer@ci.fergus-falls.mn.us>, "jim.fish@ci.fergus-falls.mn.us" <jim.fish@ci.fergus-falls.mn.us>, "krista.hagberg@ci.fergus-falls.mn.us" <krista.hagberg@ci.fergus-falls.mn.us>, "tom.rufer@ci.fergus-falls.mn.us" <tom.rufer@ci.fergus-falls.mn.us>, "scott.kvamme@ci.fergus-falls.mn.us" <scott.kvamme@ci.fergus-falls.mn.us>, "brent.thompson@ci.fergus-falls.mn.us" <brent.thompson@ci.fergus-falls.mn.us>, "justin.arneson@ci.fergus-falls.mn.us" <justin.arneson@ci.fergus-falls.mn.us>, "anthony.hicks@ci.fergus-falls.mn.us" <anthony.hicks@ci.fergus-falls.mn.us>, "karoline.gustafson@ci.fergus-falls.mn.us" <karoline.gustafson@ci.fergus-falls.mn.us>
Date: 12/22/2020 01:45 AM
Subject: Hoot Lake Solar Farm

I'm writing you to express my deep concern for your decisions that involve my neighbors and I. Individual people can do what they like on their property because it only affects them. However, your plans for the solar project with 49.9 Megawatts is an obvious attempt to avoid any oversight by the Public Utilities Commission. It is necessary for the health and well-being of those possibly affected by your decisions to have sufficient county, city, or township ordinances to protect neighboring residents. Please don't take chances on our health and please don't make decisions that affect our property values. It is not right that you would discriminate against us and attempt to make decisions that would reduce the value of our personal properties and homes.

You need to be safe, rather than have us be sorry for your decisions. Involve the Public Utilities Commission and keep this ethically above board and in alignment with best practices. The RGU does not have enough experience or knowledge of a large-scale solar farm to properly protect us.

I've copied our Mayor and City Council members requesting a moratorium be passed to pause this project while the city updates solar ordinances!

Deborah Bass

From: "Thibodeaux, Jaime (DNR)" <jaime.thibodeaux@state.mn.us>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Herwig, Christine (DNR)" <christine.herwig@state.mn.us>, "Joyal, Lisa (DNR)" <lisa.joyal@state.mn.us>, "Hedtke, Shelley (DNR)" <shelley.hedtke@state.mn.us>, "Aadland, Julie A (DNR)" <julie.aadland@state.mn.us>, "Westmark, Amy (DNR)" <amy.westmark@state.mn.us>, "Wolters, Jim (DNR)" <james.wolters@state.mn.us>
Date: 12/22/2020 04:04 PM
Subject: MDNR comments on hoot lake solar

Good afternoon,

Please see the attached comments on the Hoot Lake Solar project. If you have any questions please feel free to give me a call.

Thank you and happy holidays,

Jaimé Thibodeaux

NW Environmental Assessment Ecologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

2115 Birchmont Beach Rd. NE

Bemidji, MN 56601

Phone: 218-308-2672

mndnr.gov

*Please contact me if an alternative document format is needed for accomodation
(See attached file: 2020-12-22-HootLakeSolarLtr_FINAL.pdf)*



Ecological and Water Resources

2115 Birchmont Beach Rd NE

Bemidji, MN 56601

December 22, 2020

Brian Yavarow

City Engineer

City of Fergus Falls

112 W Washington Ave

Fergus Falls, MN 56537

EAW, Hoot Lake Solar Project, Otter Tail County

Brian Yavarow,

Minnesota Department of Natural Resources (MDNR) is very supportive of transition into renewable energy projects and the Minnesota Solar Energy Standard. Climate change is a significant threat to both the environment and people.

MDNR has reviewed the Environmental Assessment Worksheet (EAW) for the Hoot Lake Solar project and offer the following comments.

Early Coordination and Planning

MDNR encourages solar developers to initiate early coordination to identify potential issues for resolution early in the process. Early coordination did not occur for this project. For future projects, we encourage you to contact the MDNR [Regional Environmental Assessment Ecologist](#) (REAE) in project infancy. Jaime Thibodeaux (218-308-2672 or jaime.thibodeaux@state.mn.us) is your local contact for Northwest Minnesota.

Please review MDNR [Commercial Solar Siting Guidance](#). Use of this guidance document as well as early coordination prevents last minute issues and delays relating to permitting. Early planning and coordination also enables a project to minimize its overall environmental footprint.

Identification of High Value Resources

Pasturelands and unplowed or undeveloped land have the potential to contain native remnant prairie. Native prairie is grassland that has never been plowed and contains plant species representative of

prairie habitats with complex plant and insect species diversity. In the mid-1800s, more than 99% of native prairie has been destroyed, and the 1% that remains consists mostly of widely scattered fragments that are surrounded by agriculture and development.

While the Minnesota Natural Heritage Database records indicate no rare plant communities have been formally documented with the project area, potential remains for prairie remnants to occur within the project boundaries. Many lands throughout Minnesota remain un-surveyed.

- MDNR recommends an assessment of all grasslands or pasturelands that have not been previously plowed to determine if prairie remnants are located within the project boundaries. Surveys should be assessed by a qualified botanist or plant ecologist. Otter Tail Power should modify the project to avoid any impacts to prairie remnants, should one be documented.
- MDNR recommends any discovered prairie remnants be surveyed for rare species. Due to the rarity of native prairie, these remnants have high potential to contain state-listed species. The destruction of any state-threatened or endangered plants is regulated under Minnesota's endangered species law (MINN. STAT. § 84.0895). MDNR maintains a list of surveyors qualified to perform rare species surveys and must approve any rare species survey methods and protocols. For additional information, see the [MDNR Endangered and Threatened Species Page](#).

Water Resources

Solar panels are specifically included as a structure within Otter Tail County shoreland ordinance definitions. Surrounding natural wetlands with panels can negatively affect wildlife use of wetlands. Some species will avoid the wetlands due to the structures, glare, shading, vehicular traffic, and human disturbance. Minnesota public water basin (unnamed, 56081500) located on the southeastern portion of the project is classified as a natural environment lake. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use.

- To be consistent with the ordinance, panels should be setback at least 200 feet from the ordinary high water level.
- MDNR also recommends larger open water wetlands retain a minimum of a 100-foot buffer to avoid impacts to wildlife and aquatic habitats.
- All grading should be designed to divert or capture run-off from panels and associated infrastructure, preventing runoff into aquatic environments unfiltered.
- For additional items to consider for solar projects within shoreland areas for this and future solar projects, see MDNR's [Guidance for Solar Power Facilities near Lakes and Rivers](#).

Recreation and Aesthetics

The project is located immediately north of a federal Waterfowl Production Area (WPA), which is used by the public for recreational outdoor activities such as hunting, berry picking, photography, and bird watching. Solar panels would presumably be facing southward toward the WPA. In addition, a Reinvest in Minnesota conservation easement is located immediately to the west of the proposed project managed by Fergus Falls Fish and Game Club.

The EAW does not assess potential visual and other impacts to users of these properties. State, federal, and non-profit conservation groups have expended a considerable amount of time and money to acquire and manage these properties for the conservation of natural resources and recreational use by the public.

- MDNR recommends at least 200 feet from these properties to minimize conflicts between recreational users and the solar facility.
- Also, consider visual screening plantings of shrubs and trees such as wild plum, chokecherry, and various species of dogwood to minimize visual impacts.

Wildlife

MDNR recommends using 3-4 strand smooth fencing that is 4-5 feet high. Including a top guard angled out and upward at 45 degrees with 3-4 strands of smooth wire (no barbs) that would discourage trespassing. The use of this more open type of fencing allows wildlife to freely move in and out of the area (including deer). Tall deer fencing becomes problematic when deer do make their way into a compound; their removal is quite difficult. Chain link fences restrict animal movement between wetlands and uplands needed to complete their full lifecycles (i.e. turtles).

Due to entanglement issues with small animals, use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also, be aware that hydro-mulch products may contain small plastic fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic fiber additives in areas that drain to aquatic environments.

Vegetation

MDNR recommends avoiding the use of turf grasses, as they attract geese, are less effective at capturing and filtering water runoff, and provide minimal habitat value for pollinators and smaller bird species. The EAW notes all disturbed areas will be planted to native seed mix according to MDNR's Prairie Establishment & Maintenance Technical Guidance for Solar Projects but does not disclose the acreage to be planted in native vegetation.

Often solar developers have concerns regarding use of native grasses due to their perceived height. Conveniently, the MN Board of Water and Soil Resources (BWSR) has several low-growing native pollinator seed mixes designed for use under and around solar panels. In particular, the [“low growing solar array mix south & west”](#) seems most applicable for this site. Many native plant suppliers have become familiar with the unique needs of solar developments and may be able to develop specific native pollinator seed mixes specific to this project.

In addition to planting of native vegetation, MDNR recommends Otter Tail Power work toward becoming a Habitat Friendly Solar project certified by BWSR. For more information visit the BWSR [Habitat Friendly Solar Program Page](#).

Thank you for consideration of these comments. Please contact Environmental Assessment Ecologist, Jaimé Thibodeaux at 218-308-2672 or jaimethibodeaux@state.mn.us if you have any questions or require further assistance.

Sincerely,



Christine Herwig
EWR Assistant Regional Manager

CC: Jaimé Thibodeaux, Environmental Assessment Ecologist
Shelley Hedtke, SNA Management Specialist
Lisa Joyal, Endangered Species Coordinator
Julie Aadland, Area Hydrologist

Equal Opportunity Employer

Above Links:

MDNR Regional Environmental Assessment Ecologist

(tiny url) <https://go.usa.gov/xAgzD>

Commercial Solar Siting Guidance

https://files.dnr.state.mn.us/publications/ewr/commercial_solar_siting_guidance.pdf

Low Growing Solar Array Mix

http://bwsr.state.mn.us/sites/default/files/2019-01/Low_Growing_Solar_Array_Mix_South_West.pdf

Solar Power Facilities near Lakes and Rivers

https://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/siting-solar-power.pdf

BWSR Habitat Friendly Solar Program

<https://bwsr.state.mn.us/minnesota-habitat-friendly-solar-program>

COMMENT LETTER 7

From: "Erik & Marna" <erikandmarna@yahoo.com>
To: <HootLakeSolar@ci.fergus-falls.mn.us>
Date: 12/30/2020 03:40 PM
Subject: Hoot Lake Solar Project Comment

Good afternoon,

I am a proponent of alternatives to fossil fuels, but I do have concerns about this project as laid out in the Environmental Assessment Worksheet (EAW). I am most concerned about some of the long-term environmental impacts and future costs of the proposed solar project. The EAW is mandatory under MN Rules 4410.4300 Subp. 3 for electric-generating facilities. The Otter Tail Power EAW provided required information to the public about the project. However, I believe it is not clear how the project will protect the environment as set forth in Minnesota Rules 4410.

This project is substantial in size and there are plans for a woven wire fence around it. A woven wire fence may allow for movement of some wildlife but it is still a significant barrier to others. This is a large concern. If the entire project is fenced, how will wildlife move?

With many wetlands on the site, are there provisions in place if they become degraded during or after the installation?

It is very encouraging to note that native vegetation will be planted as a dual use project to provide habitat for insects and wildlife. However, it looks like OTPC plans to plant native plants on only about 16 of the 450 acre site. This is not acceptable. There are shorter native seed mixes that can be used to keep the plants from interfering with operation of the solar panels. Native plants will provide many benefits and help mitigate the loss of other shrub and grassland acreage within the site. Native plants should be maximized within the project area.

Have you considered a conservation grazing plan incorporating sheep to maintain vegetation?

Although any solar energy project can have a useful life of 25 years or more, it is important that the community understand the risks involved in decommissioning the project. The City of Fergus Falls should require a physical plan for decommissioning including how costs will be handled. Decommissioning, salvage value, and land restoration costs should be included in the decommissioning cost calculation and prepared by a licensed engineer. Those costs should not be borne by the City nor the consumer. A letter of credit or other security instrument should be included and updated every five years. I would like to be assured that OTPCO will implement reasonable risk mitigation to protect the community and the environment for future generations.

According to Minnesota law, the responsible governmental unit (RGU) must obtain from the project proposer all information necessary to review, modify, and make a decision. As RGU, the City of Fergus Falls could determine the need for an Environmental Impact Statement (EIS) based on comments received during the EAW comment period or additional information received or determined. It is my hope that the City will consider all comments within the allowed 30 days prior to the final decision.

Lastly, as a co-chair of the City's Natural Resource Advisory Committee, I am disappointed that our committee was not brought into this process. The city missed the opportunity to take advantage of the varied expertise on the committee which could have helped with a stronger EAW, project, and protection/conservation of the natural resources in Fergus Falls.

Thank you,
Erik Anthonisen
[Sent from Yahoo Mail for iPad](#)

From: "gmathiesen@juno.com" <gmathiesen@juno.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/14/2020 07:30 PM
Subject: Solar Farm

Hello Brian Yavarow,

I have been reading and hearing about the proposed solar farm development by Otter Tail Power, and am disturbed by the way people who live in that area are being treated. It seems like a rushed job, and not enough time is being given to hear from the residents of Fergus Falls. I don't see this as a discussion for, or against, solar energy. The question I'm hearing is: Is this the right spot for our community? Friends of mine who recently built on land that this project will butt up against are told OTP will buy out their property, but at far less value than what they'd get on the open market. And now that this project is public knowledge, who would want to buy it? They asked OTP reps if they could plant trees along that side and were told no--as that would block sunlight into the solar panels. Also, this is going to be annexed into city limits and visible from 210, and come right next to the beautiful One Mile Lake Prairie trail area, and the recently constructed North Country National Scenic Trail trail-head (which is a great asset to this community). They will also be completely surrounding existing homes. Homes people have raised their kids in and have invested in. Folks are assuming it is going in a flat field in the middle of nowhere, this is not the case. If we take a look at the area: the rolling hills, wetlands, wildlife, existing trees and habitat...then ask ourselves..is this the best spot for a large-scale solar farm? I don't think so. This is not sounding good in terms of OTP relationship to our community, and it doesn't sound like something the City of Fergus Falls should encourage. Thanks for encouraging us to write to you--I hope many other will too.

Thanks,
Gaylan Mathiesen
Fergus Falls

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From: "Isaac Orr" <Isaac.orr@americanexperiment.org>
To: "hootlakesolar@ci.fergus-falls.mn.us" <hootlakesolar@ci.fergus-falls.mn.us>
Date: 12/22/2020 12:09 PM
Subject: Comments on proposed solar facility

Good Afternoon,

My name is Isaac Orr, and I am a policy fellow specializing in energy and environmental policy at Center of the American Experiment, a think tank located in Golden Valley, Minnesota.

I am writing today to comment on the proposed 49.9 megawatt (MW) solar facility in Fergus Falls that would be constructed by the Otter Tail Power company (OTP).

There are several considerations the City of Fergus Falls should consider when determining whether to approve this project. Among them are:

- The size of the project and associated costs.
- The potential impact of these solar panels on the environment.
- Protecting Fergus Falls residents from potential financial liability for decommissioning the site.
- Suggested ordinances to protect the environment and city finances.

The Project is Much Bigger Than Necessary

The proposed project size of 49.9 MW is much larger than would be needed for OTP to satisfy Minnesota's Solar Energy Standard (SES), a state law which requires the utility to generate 1.5 percent of its electricity from solar energy.

Using the standard amount of electricity generated from solar panels at other locations in Minnesota, which is about 18 percent of their potential output, or capacity factor, this project would need to be approximately 25 MW

to meet the standard.

In emails between OTP representatives and myself, the company stated that they believe the project will achieve a capacity factor of 24 percent, which means the installation would only need to be 19 MW to meet the SES. As a result, the proposed project is 62 percent larger than it would need to be to satisfy these state mandates.

The state's goal of having 10 percent of sales come from solar by 2030 is a non-binding goal, and not a mandate, which means the extra panels will not be required by law.

Extra Panels Mean Extra Costs for Consumers

Allowing OTP to build a solar facility that is larger-than-needed to meet the state solar energy mandate will increase the cost of electricity for all OTP customers, which is effectively a tax on their quality of life.

Prices will rise because OTP is not truly a private company, they are a government-approved monopoly utility that is guaranteed to make a government-approved profit (or rate of return), when they build new things like solar panels, wind turbines, or natural gas plants in South Dakota.

Because they are a government approved monopoly operating under this incentive structure, spending extra money to build a solar facility that is larger than necessary will lead to unnecessary cost increases for families, businesses, and government entities in OTP's service territory. This means hospitals, schools, nursing homes, police departments, and churches will have to pay more just to keep the lights on.

OTP has already announced they would be raising rates by approximately 6.77 percent, on average, to pay for the Merricourt wind facility in North Dakota, and the Astoria natural gas plant in South Dakota. This solar facility will further increase costs.

Environmental Impacts of Solar Panels

Not only will the solar panels increase costs for consumers, emerging academic research has shown that rainwater is sufficiently acidic to cause solar panels, especially damaged panels, to leach toxic heavy metals such as cadmium and lead into the nearby soil and groundwater. Some panels also contain PFAS.

I have attached three academic studies examining the potential impact of metals leaching from solar panels on the environment.

Due to these potential contamination pathways, it makes sense to require OTP to conduct baseline soil and groundwater sampling to determine the condition of these natural resources before solar panels are installed. Periodic soil and groundwater testing during the operations phase of the project should also be conducted to determine if leaching of heavy metals is occurring. Testing should be conducted again after the end of the solar facility's lifetime to determine whether the panels have created a legacy pollution problem that would affect future generations.

The results of these environmental tests should be publicly available and easily accessible on the OTP website, along with a real-time solar generation display and historical production data.

Decommissioning Assurance

Typical warranties for solar panels are for 25-year operating lifetimes. After this time, the solar facility may need to be decommissioned.

Decommissioning is an expensive process. A recent study from [Resources for the Future](#) determined costs for decommissioning similar-sized solar plants average \$106,000/installed MW. This means the cost to decommission the proposed facility would be roughly \$5.3 million.

Fergus Falls leaders can protect taxpayers from potential future liabilities by collecting this projected fee up front as a refundable bond to assure there will be enough money to cover the full decommissioning of the facility in the future.

Suggested Ordinances for Solar Facilities

North Carolina has experienced rapid growth in solar installations over the last decade, and as a result its rules for constructing and operating solar facilities are much more developed than those of Minnesota. I have attached three documents detailing the cost estimates for decommissioning and summarizing the steps County and local governments can take to integrate solar panels into their electricity mix while ensuring the safety of the environment and protecting local taxpayers from future liabilities.

Thank you for taking the time to consider my comments. Please feel free to reach out to me at Isaac.orr@americanexperiment.org if you have any further questions.

Sincerely,

Isaac Orr

Policy Fellow

Energy and Environmental Policy

Center of the American Experiment (*See attached file: final summary of solar rules.docx*)(*See attached file: Summary and References for Decommissioning Costs- Final.docx*)(*See attached file: NC Solar Ordinances SEPGS Ordinance 10-6-20 final.docx*)(*See attached file: Metal dissolution from end-of-life solar photovoltaics in real landfill.pdf*)(*See attached file: Initial metal contents and leaching rate constants of metals leached from.pdf*)(*See attached file: Ecological and Human Health Risk Assessment of Metals Leached from End of Life Solar Panels.pdf*)

From: "Janell Miersch" <miers004@umn.edu>
To: HootLakeSolar@ci.fergus-falls.mn.us, brian.yavarow@ci.fergus-falls.mn.us, communications@otpc.com
Date: 12/30/2020 12:12 PM
Subject: Hoot Lake Solar Project comments

Regarding the Hoot Lake Solar Project:

As a retired water resources professional, I am a proponent of alternatives to fossil fuels, but I do have concerns about this project as laid out in the Environmental Assessment Worksheet (EAW). I am most concerned about some of the long-term environmental impacts and future costs of the proposed solar project. The EAW is mandatory under MN Rules 4410.4300 Subp. 3 for electric-generating facilities. The Otter Tail Power EAW provided required information to the public about the project. However, I believe it is not clear how the project will protect the environment as set forth in Minnesota Rules 4410.

- If the entire project is fenced, how will wildlife move?
- With many wetlands on the site, are there provisions in place if they become degraded during or after the installation?
- It is very encouraging to note that native vegetation will be planted as a dual use project to provide habitat for insects and wildlife. How will the proposed vegetation be maintained?
- Have you considered a conservation grazing plan incorporating sheep to maintain vegetation?

Although any solar energy project can have a useful life of 25 years or more, it is important that the community understand the risks involved in decommissioning the project. The City of Fergus Falls should require a physical plan for decommissioning including how costs will be handled. Decommissioning, salvage value, and land

restoration costs should be included in the decommissioning cost calculation and prepared by a licensed engineer. Those costs should not be borne by the City nor the consumer. A letter of credit or other security instrument should be included and updated every five years. I would like to be assured that OTPCO will implement reasonable risk mitigation to protect the community and the environment for future generations.

According to Minnesota law, the responsible governmental unit (RGU) must obtain from the project proposer all information necessary to review, modify, and make a decision. As RGU, the City of Fergus Falls could determine the need for an Environmental Impact Statement (EIS) based on comments received during the EAW comment period or additional information received or determined. It is my hope that the City will consider all comments within the allowed 30 days prior to the final decision.

Sincerely,

Janell Miersch

1727 South Court Street

Fergus Falls, MN 56537

miers004@umn.edu

From: "Joanne Wilner" <thewilners@yahoo.com>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Date: 12/27/2020 08:28 AM
Subject: proposed solar farm

Brian Yarrow:

I find it necessary to voice my concerns about the proposed solar "farm". I use the term farm lightly, because planting a bunch of solar panels is certainly a far cry from agriculture. It seems that you are basically re-zoning an area now considered agriculture/residential into a commercial area without adequate public input. Most of us in the affected area have had little opportunity to voice our opinion. Yes, I listened in on the Aurdal township Zoom meeting, but found it very lacking in answering concerns. It doesn't seem right that we are asked to not get together with anyone outside our immediate household because of Covid, but you can ram through this huge project without a true public forum.

It appears the main benefactor of this solar project is the City of Fergus Falls. Yet to add insult to injury the plan is to send 150 construction vehicles, from dawn to dusk, down our already poor roads, so that the nice citizens of Fergus Falls are not adversely affected by this project. Our only way out of Birchwood Estates and Wilmont Estates is 229th to Highway 210 and Main into Fergus Falls, your proposed route. The project representatives at the Aurdal township Zoom meeting didn't even know what entity is in control of those roadways. So obviously you haven't bothered to tell these entities of your plans to totally take over and destroy their roadways. Heaven forbid there is a need for fire or emergency vehicles into our developments during the construction period.

What is the life span of the solar panels? Are they manufactured in the United States? What happens to the panels if they are damaged? Do they end up in a land fill? We do have tornadoes and hail and wind storms. I have relatives in western North Dakota where wind "farms" are big. Not only have those wind farms destroyed the pristine countryside in the name of green energy, now there is already a need for a landfill to to dump these huge, worn out and damaged monstrosities.

Wouldn't it make more sense to offer incentives to the Otter Tail Power Company customers, to install private solar panels and sell back excess electricity? I see there are some incentives for commercial but I couldn't find any rebates or incentives for private home owners.

I hope you will take my above stated concerns into consideration and pass concerns on to both the city of Fergus Falls and Otter Tail Power Company.

Joanne Wilner
22999 Wilmont Estate Road
Fergus Falls, MN 56537

From: "Karen Terry" <kterry@umn.edu>
To: "Rud" <rud@prtcl.com>, "Len_Taylor/City_of_Fergus_Falls@ci.fergus-falls.mn.us" <Len_Taylor/City_of_Fergus_Falls@ci.fergus-falls.mn.us>, "Waltz, Christopher" <cwaltz@otpc.com>, "Craig Winters" <cwinters56@gmail.com>, "Jacob Nelson" <jnelson@pheasantsforever.org>, "Janell Miersch" <miers004@umn.edu>, "Anthonisen, Erik (DNR)" <erik.anthonisen@state.mn.us>, "Teresa Mann" <teremann@gmail.com>, "Ryan, Joanne D" <joanne_ryan@fws.gov>, "Cedar Walters" <cwalters@co.ottertail.mn.us>, "Spencer McGrew" <smcgrew@co.ottertail.mn.us>, ken.garrahah@gmail.com
Cc: Lynne_Olson/City_of_Fergus_Falls@ci.fergus-falls.mn.us, "Ben Schierer" <ben.schierer@ci.fergus-falls.mn.us>
Date: 12/29/2020 02:33 PM
Subject: NRAC: Hoot Lake Solar Project Comment Period -- closes tomorrows

Hello All,

The public comment period for Otter Tail Power's Hoot Lake Solar Project Environmental Assessment Worksheet (EAW) closes tomorrow. We have not, as a committee, been given enough time to put together unified comments, but Erik and I are encouraging each of you to submit comments individually. Thanks to those of you who already have done so!

While we fully support the establishment of solar energy production, Erik and I do have thoughts about how this project could be stronger. Those include:

- exploring more thoroughly what vegetation is currently on site and what will be planted, and how it will be maintained
- understanding how stormwater runoff will be managed during and after construction
- exploring how wildlife movements will be impacted and how those impacts can be mitigated
- establishing a decommissioning plan for the equipment and site

- once it has served its purpose
- seeking to understand why the NRAC was not involved in the development of the EAW

Here are resources about the project:

OTP's project website: <https://www.otpc.com/about-us/energy-generation/hoot-lake-solar/>

Draft Environmental Assessment Worksheet:

https://www.otpc.com/media/3317/hoot-lake-solar_eaw-form.pdf

Public comment period

November 30 through December 30, 2020

Submit comments via email to HootLakeSolar@ci.fergus-falls.mn.us or by mail to Brian Yavarow, City of Fergus Falls, 112 West Washington Avenue, PO Box 868, Fergus Falls, MN 56537.

Public hearing

The City of Fergus Falls held a public hearing on December 8, 2020.

Recorded meeting: [Public Hearing for Hoot Lake Solar project](#)

Presentation: [Hoot Lake Solar EAW presentation](#)

Feel free to reach out to me or Erik to discuss, and please consider submitting comments today or tomorrow.

Peace,

Karen

Karen L. Terry

kterry@umn.edu | 218-770-9301

Practicing every day to embrace this lesson from Lao Tzu: "Be content in what you have; rejoice in the way things are. When you realize there is nothing lacking, the whole world belongs to you."

From: "Karen Terry" <kterry@umn.edu>
To: HootLakeSolar@ci.fergus-falls.mn.us
Cc: "Ben Schierer" <ben.schierer@ci.fergus-falls.mn.us>
Date: 12/30/2020 03:24 PM
Subject: Hoot Lake Solar Project Comments

Below are my comments on the Hoot Lake Solar Project EAW. While I fully support the establishment of solar energy production, I do have thoughts about how this project could be stronger and more sustainable Those include:

- Please maximize the amount of native plantings within the project. These plants are adapted to our climate, and our wildlife (including pollinators) are adapted and dependent on them. Protect the existing native planting on the CRP land, and consider planting native species throughout the project site. A conservation grazing plan using sheep or cattle could lead to less expensive and more environmentally sustainable management. Native plants have other benefits as well, including improved water quality and decreased erosion.
- Please make sure that there is a thorough plan for stormwater runoff management. The EAW addresses temporary holding basins during construction, but it will also be important to ensure that the runoff in the long-term does not increase volume or pollutants in the surrounding wetlands or the Otter Tail River. There are multiple ways that the runoff can be contained, and it should be a goal to

hold 100% of the stormwater on the project site.

- In the vein of being good neighbors and responsible business operators, it is critical that Otter Tail Power establish a decommissioning plan for the equipment disposal and site restoration once the project has served its purpose. Although we cannot know now what the recycling and repurposing options might be in 25-35 years, it is imperative that an escrow-type account is created and revisited every 3-5 years to adjust to cover all anticipated end-of-project-life expenses.
- Lastly, as a co-chair of the City's Natural Resources Advisory Committee, I am disappointed that our committee was not included in the development of the EAW from early on in the process. The members of our committee have a great deal of varied expertise, experience, and passion around natural resources topics, and the City has missed an opportunity to make the most of this group. I believe that our input would have led to a stronger, more rigorous EAW and, in the long run, better environmental outcomes.

Thank you for the opportunity to comment on this project. I would be happy to discuss any of these points with you at your convenience.

Peace,

Karen

Karen L. Terry

kterry@umn.edu | 218-770-9301

Practicing every day to embrace this lesson from Lao Tzu: "Be content in what you have; rejoice in the way things are. When you realize there is nothing lacking, the whole world belongs to you."

From: "katie tysdal" <ktysdal@hotmail.com>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Brian.Yavarow@ci.fergus-falls.mn.us" <Brian.Yavarow@ci.fergus-falls.mn.us>, "ben.schierer@ci.fergus-falls.mn.us" <ben.schierer@ci.fergus-falls.mn.us>, "jim.fish@ci.fergus-falls.mn.us" <jim.fish@ci.fergus-falls.mn.us>, "krista.hagberg@ci.fergus-falls.mn.us" <krista.hagberg@ci.fergus-falls.mn.us>, "tom.rufer@ci.fergus-falls.mn.us" <tom.rufer@ci.fergus-falls.mn.us>, "scott.kvamme@ci.fergus-falls.mn.us" <scott.kvamme@ci.fergus-falls.mn.us>, "brent.thompson@ci.fergus-falls.mn.us" <brent.thompson@ci.fergus-falls.mn.us>, "justin.arneson@ci.fergus-falls.mn.us" <justin.arneson@ci.fergus-falls.mn.us>, "anthony.hicks@ci.fergus-falls.mn.us" <anthony.hicks@ci.fergus-falls.mn.us>, "Karoline.Gustafson" <Karoline.Gustafson@ci.fergus-falls.mn.us>, "Andrew.Bremseth@ci.fergus-falls.mn.us" <Andrew.Bremseth@ci.fergus-falls.mn.us>
Date: 12/27/2020 07:06 PM
Subject: Hoot Lake Solar EAW Comments

Attachments: [EAW Response_Final_12.27.20.pdf](#)
[Attachment 1_EQB_Hoot Lake Solar Question_12.21.20.pdf](#)
[Attachment 2_Aurdal_Attorney_FF Solar Ordinance_Email 10.28.20_Redacted.pdf](#)

Solar energy development should be balanced with the protection of the public's health, safety and general welfare. If the City of Fergus Falls does not update the solar ordinances to address large-scale solar and require a Conditional Use Permit, the public will be left extremely vulnerable and the impact will be significant. If it is determined this is the location for a solar farm, at the very least it should be held to a standard of excellence to minimize impact and protect natural resources. EAW comments and suggested mitigation are listed below (also attached for your convenience). Please reply to this email to confirm receipt.

Otter Tail Power Hoot Lake Solar Farm

EAW Public Comments

Submitted by: Troy and Katie Tysdal, ktysdal@hotmail.com

Date: Dec. 27, 2020

Summary: A solar project of 50MW or greater would require a permit from the Minnesota Public Utilities Commission (MN PUC). The Commission's permitting process requires the production of an Environmental Assessment (EA) per Minnesota Statute [216E.04](#). This project has the potential for *significant* environmental effects (Minnesota Rule [4410.1700](#)) based on: 1) it is 49.9 MW (.1 MW less than the 50MW threshold for oversight by the MN PUC); 2) the number of acres and diverse natural resources the project encompasses; and 3) the substantial amount of inaccuracies, potential impacts not identified, or impacts not adequately addressed that are listed below. Therefore, the RGU should determine an EIS is required. Please note, the Minnesota State Environmental Review Manager stated, "To my understanding, the Hoot Lake project has been sized to, among other things, avoid triggering the Commission's permitting process (see Attachment 1_EQB_Hoot Lake

Solar Question_12.21.20).” Thus, it is of critical importance that the RGU takes responsibility to ensure decisions are being made in the best interest of the public’s health, safety, and wellbeing.

	Inaccuracies in EAW	Potential Environmental Impacts Not Identified	Environmental Impacts Identified, but Not Adequately Addressed	Possible Mitigation
1.		Impact from the City of Fergus Falls’ Solar Ordinance Regulations Being Very Minimal and Insufficient in a Number of Areas (This statement is supported by Aurdal Township’s attorney, Jason Hill. See Attachment 2_Aurdal_Attorney_FF Solar Ordinance)		The City of Fergus Falls’ solar ordinance must be updated to require a Conditional Use Permit and to address large-scale solar development in order to adequately protect the health, safety and wellbeing of the people. If the City does not update their solar ordinance, they need to be prepared to negotiate with Otter Tail Power to have them commit to following Aurdal Township’s solar ordinance on the Aurdal land annexed for this project. If this is not done, the City will be liable for increased financial damage done to neighboring properties as a result of annexing land into lesser regulations. (Note: Aurdal Township currently has a moratorium and final draft of a solar ordinance they are willing to share with the City.)
2.		Visual Impact/Screening		An EIS should be done to conduct an analysis of the potential visual impacts from the project. This includes solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects. A plan must be required to show vegetative screening or buffering of the system to mitigate for visual impacts. All screening must be installed on the developer’s property. The plan should also include the maintenance of the screening (e.g. if a bush or tree dies, the developer needs to replace it). A screening plan must be part of the RGU’s Special Use Permit application and require approval prior to construction. (References: Model Solar Ordinance – Minnesota (p.9) , Stearns County, Land Use and Zoning Ordinance 6-54)
				An EIS should be conducted to study the socio economic impact to homes surrounded by, and adjacent to, the solar farm. A financial compensation plan should be required by the RGU for impacted homeowners and that plan should <i>not</i> be contingent on OTP getting a solar easement in return. A forensic appraiser and local realtor stated depreciation will be <i>significant</i> . OTP has also acknowledged depreciation, but repeatedly asserted that they are under no legal obligation to compensate homeowners for depreciation and that financial compensation will be provided strictly out of their desire to be “good neighbors.” We have sought legal consultation on this

3.		Socio Economic Impact		<p>issue, and all voices have disagreed with OTP’s assessment. However, they have unanimously concurred that a homeowner does not have the financial means to bring justice to a large corporation such as OTP, as their lawyers will bury homeowners in paperwork and run them out of money. They said the best option is for the RGU to require adequate financial compensation to adjacent homeowners prior to the solar farm being constructed.</p> <p>(Note: OTP has stated they intend to work with homeowners on an individual bases. In a public meeting, on Dec. 2, 2020, OTP stated that other projects this size would cost 120 million to build. The Hoot Lake Solar project is going to cost them \$60 million. In that context, they said this location is saving them approximately \$10 million. In a verbal offer presented to us on Dec. 22, 2020, OTP offered us only 27% of what a professional forensic appraiser calculated our anticipated depreciation to be, and there are strings attached. In return, OTP wants a solar easement across our property which would prevent homeowners from having trees, or constructing new buildings, that would cast shade on the solar panels. If OTP compensated us for the full amount of our calculated depreciation, it would only be 1.8% of the 10 million they are <i>saving</i> by building in this location. OTP told us there are eight homes they consider to be financially damaged by the solar farm. If that is true, then <i>fully</i> compensating all homeowners for depreciation is insignificant compared to what they are saving. Yet, OTP’s desire to subsidize this project on the backs of adjacent homeowners, and further benefit their position with solar easements, makes it a necessity that the RGU has this project thoroughly studied through an EIS and develops a financial compensation plans for impacted properties based on professional appraisals and professional devaluations performed by those with experience in solar energy.)</p>
4.		Setback from Roadway	Setback from Adjacent Properties	<p>The EAW setbacks are not adequate to minimize impact to adjacent properties and roadways. EAW, p. 8, 30’ for front yard, 10’ side yards, 40’ outside of city limits. Setbacks from roadways is not addressed in the EAW and this project will border a significant stretch of HWY 210 and Main St.</p> <p>Mitigation should include: 1) An EIS to further study the impact; and 2) the City of Fergus Falls’ solar ordinance should be revised to align with Aurdal Township’s new solar ordinance, which will include 300’ from residential dwellings, 150’ from property lines, and 130’ from the center line of any road.</p>

5.		Decommissioning Plans		<p>A detailed decommissioning plan should be required per city ordinances and an EIS.</p> <p>The Model Solar Ordinance – Minnesota (p.12) states the following as a best practice:</p> <p>(V.A.1.7) A <u>decommissioning plan</u> shall be required to ensure that facilities are properly removed after their useful life.</p> <p>a. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.</p> <p>b. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.</p> <p>c. Disposal of structures and/or foundations <u>shall meet</u> the provisions of the Model Community Solid Waste Ordinance.</p> <p>d. Model Community may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.</p>
6.			<p>Impact to wildlife, pollinators and the soil if native grasses and pollinator habitat is <i>not required</i> to be planted on a majority of the project site, and <i>not required</i> that wildlife friendly fencing is used.</p>	<p>Site Management - The entire site design should include installation and establishment of ground cover meeting the beneficial habitat standard consistent with MN Statutes, section 216B.1642. An EIS should require a planting plan accompanied by a completed BWSR "Project Planning Assessment Form" (Model Solar Ordinance - Minnesota (p.10))</p> <p>Fencing - The city must update their solar ordinance to require the 8.61 miles of fencing to be wildlife friendly fencing in all areas possible to minimize impact, or this is completely left up to the developer to decide after the EAW is approved.</p> <p>Large-scale removal of mature trees should be discouraged.</p>
		Unbroken Native Prairie		<p>Lidar imagery from the DNR suggests the presence of unbroken native prairie within the solar project boundaries on Buchholz land parcel #03000310231001, and Mark Sand and Gravel #06000010009000, #06000010008000. The DNR must do a ground survey to identify the unbroken prairie sites and solar panels should <u>not</u> be allowed on any of these areas to protect our rare natural resources.</p> <p>The Minnesota Dept. of Natural Resources Commercial Solar Siting Guide, p.2, states: <i>Native prairie is grassland that has never been plowed and</i></p>

7.				<p>contains plant species representative of prairie habitats. In the mid-1800s, eighteen million acres of prairie covered Minnesota. Since then, more than 99% of native prairie has been destroyed, and the 1% that remains consists mostly of widely scattered fragments that are surrounded by agriculture and development. Due to the loss of this once widespread habitat, many species found only in prairie have become rare; more than one-third of Minnesota's endangered, threatened, and special concern species are dependent on the remaining small fragments of prairie.</p>
8.		Lighting		<p>Conduct an EIS and require a lighting plan that would need the approval of the RGU prior to construction. If lighting is part of this project, the city needs to update their solar ordinance to mandate the lighting be shielded and downcast so that it doesn't spill onto adjacent properties. (Note, this will be included the Aurdal Township's solar ordinance.)</p>
9.			Grading	<p>A contour map before and after grading should be required in the EIS and presented to the RGU for comment and approval or denial.</p>
10.		<p>Noise</p> <ul style="list-style-type: none"> • Construction • Panels resetting 		<p>1. Construction Noise - The city allows construction between 7am-10pm M-F, and 9am-9pm on weekends and holidays. This project is going to be over an extended amount of time (OTP projects 8 to 10 months) and the noise of construction is not addressed in the EAW. An EIS is needed and should require piling installation timelines and durations. At a minimum, the city should update their solar ordinance to adopt Chisago County, p.8, #2, construction noise language, which will also be included in Aurdal Township's ordinance: <i>The piling installation construction phase of every project <u>generates repetitive audible noise and is extremely disruptive.</u> Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. <u>Piling installation shall cease on Sundays and be limited between the hours of 7am-6pm on Saturdays.</u></i></p> <p>2. Panels Resetting – The decibels of 150,000 panels resetting at the end of every day should be disclosed.</p>
				<p>This should be in the EAW and required as part of the</p>

11.		Solar Panel Spacing		site plan application for a Conditional Use Permit. The City's solar ordinance must be updated to require a Conditional Use Permit.
12.	Cover Types, p.5, #7, Developed 84.36 Acres Solar Panels			Cover Types, p.5, #7, under 'developed', there will be more than 84.36 acres of solar panels. This chart has inaccuracies. OTP should also be required to include before and after for the acres of native prairie grasses and pollinator habitat, especially being many acres are being taken out of CRP.
13.		Impact to Adjacent Property Owners' Land Use (e.g. hunting, solar easements)		<p>Many adjacent homeowners live on land outside of city limits and enjoy hunting. How will this be impacted? Solar easements restrict what property owners can plant or build on their own property. What if homeowners and OTP do not come to an agreement regarding a solar easement?</p> <p>The City's solar ordinance needs to be updated to include: "Installation of a solar system shall not constitute a right to sunlight from any adjoining property, nor does the Township assure access to sunlight." (Note, this will be included in Aurdal Township's ordinance.)</p>
14.		Easement Disclosures		Land easements on the site for the Hoot Lake Solar project should be disclosed as part of an EIS.
15.			Location and Size of Abandoned and/or Active Waste Sites, Wells, Sewage Treatment Systems, Dumps	Require an EIS that would have a map of the location and size of any abandoned and/or active waste sites, wells, sewage treatment systems, and dumps.
16.		Access Road Location		Require a map with the location of access roads in an EIS and part of the application for a Conditional Use Permit.
17.		Erosion and Sediment Control Measures		Require an EIS and plan from OTP to control erosion and sediment. This is especially important being 60% of the soil is rated as severe for erosion (EAW p.11).
18.		Solar Panel Maintenance Plan		OTP's plan to remove and repair damaged solar panels, including a time limit for repair and commitment that the ground will remain free of debris. Solar panels often contain lead, cadmium and other toxic chemicals. OTP has said these will be bi-facial panels, which increases the amount of chemicals (150,000 panels x2 sides) and potential for damage. The RGU should also be allowed access to the solar

				farm to inspect solar panels if there are concerns the maintenance plan is not being met.
19.		Tax Revenue		Require OTP to give the City a number (not a percentage) for projected revenue per year so the City can effectively evaluate if this is indeed the spot where a solar farm would create minimal impact and maximum benefit to the community of Fergus Falls. Renewable energy has significant tax subsidies that could result in significantly less revenue than what the City is projecting.
20.			Plan to Restore Natural Systems	There is a remarkable amount of natural systems on this and surrounding parcels, around 35 wetlands and two listed lakes greater than ten acres. This is not the place for a solar farm that would cause minimal impact to the environment and people. If this project has to happen here, the site should be a model for restoring natural systems and integrating clean energy production.
21.			Maintenance of Main St. and 229 th	There is a long history regarding the maintenance of these roads. Grading alone will not be sufficient for the increased traffic and heavy construction vehicles. There must be a written agreement in place with Dane Prairie, Aurdal and Buse townships prior to construction starting so they are not financially liable for maintenance issues that will arise due to this project.
22.			Ash Impound	<p>An EIS should be conducted to further study the impact of arsenic and other hazardous waste that has the potential to leach out of the ash impound and contaminate drinking water. OTP should be required to: 1) pay for well water tests on adjacent privately owned properties to study and identify if any inorganic arsenic or mercury is present; 2) give the city routine ground water monitoring results monthly during construction and bi-monthly after construction is completed; 3) OTP should be required to have a plan to mitigate any issues that could arise after the solar panels are installed.</p> <p>We have high arsenic levels in our well water. If inorganic arsenic is identified in properties within close proximity of the ash impound, a solar farm should not be permitted in this location as the impact could be detrimental to the public's safety and wellbeing.</p>
				A comprehensive plan should be done that involves multiple stakeholders, including residential developers and local realtors, to assess the impact and potential

23.		Comprehensive City Development Plan		for restricting future residential expansion. The City has limited growth to the west due to rich and expensive farmland; south of the city is cut off by I-94, parks and protected land; and there is limited growth to the north. Growth to the east is the best option for future residential expansion; the solar farm will cut off this potential for development.
24.		Electromagnetic Compatibility (EMC) Study		<p>An Electromagnetic Compatibility (EMC) study should be done to assess whether an electromagnetic impact is likely to occur. The solar farm should be designed to prevent any stray voltage from affecting adjacent properties or causing interference with the operation of electrical appliances or electronic equipment on adjacent properties. In the event such disturbances occur, or are alleged to occur, such disturbances should be required to be mitigated to the satisfaction of the RGU. Given the close proximity of inverters to numerous residential dwellings, this could be a source of significant impact.</p> <p>(Reference: www.pagerpower.com/news/solar-farms-electromagnetic-interference-emi/)</p>

(See attached file: EAW Response_Final_12.27.20.pdf)(See attached file: Attachment 1_EQB_Hoot Lake Solar Question_12.21.20.pdf)(See attached file: Attachment 2_Aurdal_Attorney_FF Solar Ordinance_Email 10.28.20_Redacted.pdf)

From: [katie tysdal](#)
To: [Tysdal, Katie J](#)
Subject: Fwd: EAW Solar Question
Date: Monday, December 21, 2020 9:45:12 AM
Attachments: [image003.png](#)

Sent from my iPhone

Begin forwarded message:

From: katie tysdal <ktysdal@hotmail.com>
Date: December 21, 2020 at 9:17:48 AM CST
To: Troy Tysdal <ttysdal@clba.org>
Subject: Fwd: EAW Solar Question

Sent from my iPhone

Begin forwarded message:

From: "Kirsch, Raymond (COMM)" <raymond.kirsch@state.mn.us>
Date: December 21, 2020 at 9:15:16 AM CST
To: katie tysdal <ktysdal@hotmail.com>
Cc: "Kirsch, Raymond (COMM)" <raymond.kirsch@state.mn.us>, "Hapka, Katrina (EQB)" <Katrina.Hapka@state.mn.us>
Subject: RE: EAW Solar Question

Ms. Tysdal,

Good day. Thanks for your note. I will try to answer your questions here. I have copied Katrina Hapka, a Minnesota Environmental Quality Board (EQB) staffer. Katrina may also be able to assist you.

1. To my understanding, after completing an EAW, a responsible governmental unit (RGU) must determine if the project has "the potential for significant environmental effects." See Minnesota Rule [4410.1700](#). If the project has this potential, then an EIS is required; if not, then an EAW is sufficient and the RGU may proceed to make a permitting decision based on the EAW.
2. If the project were larger (50 MW or greater), then it would require a permit from the Minnesota Public Utilities Commission. The

Commission's permitting process requires the production of an environmental assessment (EA). See Minnesota Statute [216E.04](#). To my understanding, the Hoot Lake project has been sized to, among other things, avoid triggering the Commission's permitting process (49.9 MW).

I hope this is helpful. Please get back to me with any questions. Best regards,

Ray

Ray Kirsch
Environmental Review Manager
651-539-1841
mn.gov/commerce/energyfacilities
Minnesota Department of Commerce
85 7th Place East, Suite 280 | Saint Paul, MN 55101



From: katie tysdal <ktysdal@hotmail.com>
Sent: Saturday, December 19, 2020 2:41 PM
To: Kirsch, Raymond (COMM) <raymond.kirsch@state.mn.us>
Subject: EAW Solar Question

This message may be from an external email source.

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Hello Mr. Kirsch,

What is the threshold requirement for an EIS for large-scale solar? Otter Tail Power is planning 49.9MW, 150,000 panels on land that includes ash impounds, wetlands, and they are completely surrounding some homes (see map here https://drive.google.com/file/d/1DM_FI_bQyjqVzOhNvZg5PZ2t_4ZW0vMU/view?usp=drivesdk). The EAW closes [on 12/30](#) and I don't think the city is going to require an EIS, which is very concerning, especially being the city's solar ordinances don't require a special use permit. The EAW can be found at www.otpco.com/hootlakesolar. The EAW has many things it doesn't address that I will be emailing the city about (lighting, density of panels, unbroken native prairie, maintenance of panels if they break, decommissioning plan, etc), but I fear it will all be ignored because the

city is eager to annex this project and benefit from the tax revenue.

Thank you for explaining what similar projects would require. I understand the EAW/EIS process isn't to approve or deny a project, but I think the community should have the right to a comprehensive impact study, especially being this is going in city limits.

Best regards,

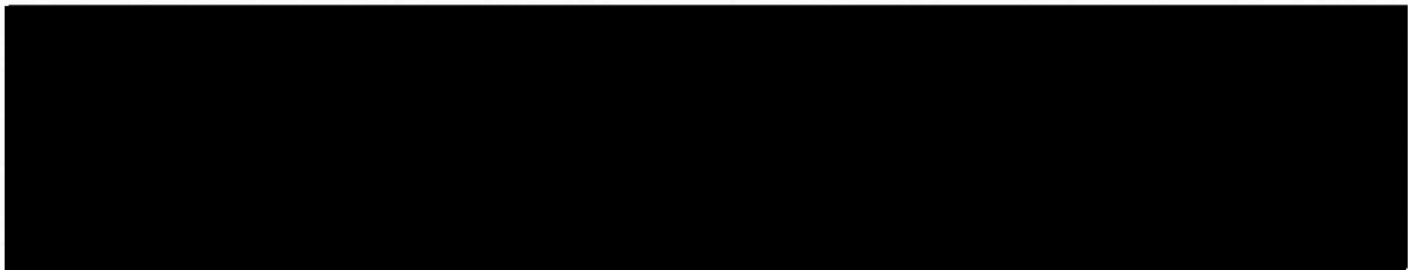
Katie Tysdal

Sent from my iPhone

kbrennan@prtel.com

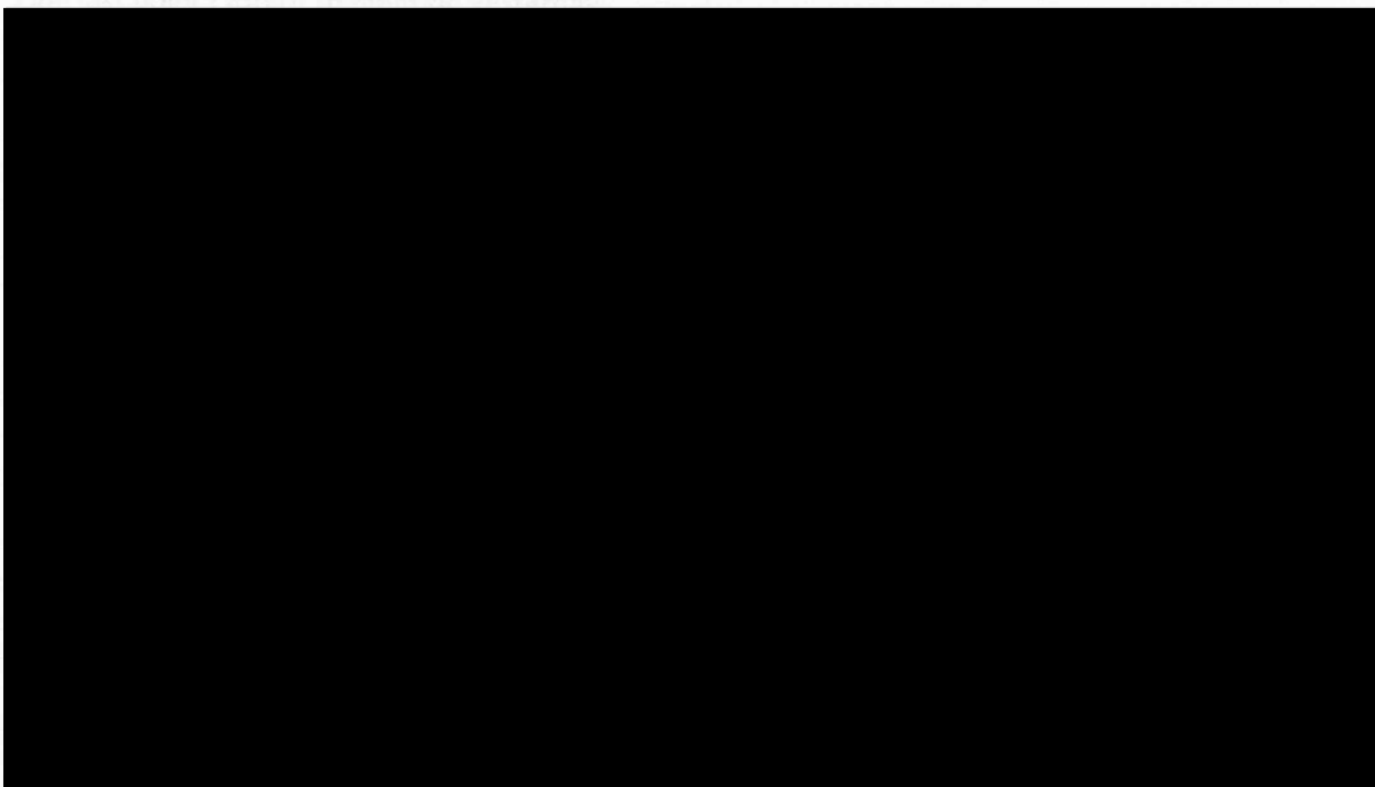
From: "Hill, Jason M" <JHill@Kennedy-Graven.com>
Date: Wednesday, October 28, 2020 3:25 PM
To: <kbrennan@prtel.com>
Subject: RE: Aurdal Township - Solar Farm Ordinance (Moritorium)

Kevin,



With regard to your specific questions –

1. "We believe the way the city ordinance is written they would not even need a permit?" – This is correct. "Solar farms" are broadly defined in the City Code, and they are allowed as a permitted use in the R-A (Agricultural-Residence) District. The area surrounding the proposed solar farms is zoned R-A, so if they annexed additional area, it would make sense if it were also zoned R-A. The City Code does include standards for solar farms regarding (1) height – 25 feet if ground-mounted, (2) setbacks for the R-A district, (3) distribution lines, (4) UL listing for components, (5) building code compliance, (6) electrical code compliance, (7) utility notice, (8) abandonment, (9) fencing, (10) access of emergency service vehicles, and (11) signage. Although the Code covers a number of key areas, the regulations are very minimal and insufficient in a number of areas, particularly with regard to abandonment/reclamation.



From: "katie tysdal" <ktysdal@hotmail.com>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Andrew Bremseth" <Andrew.Bremseth@ci.fergus-falls.mn.us>, "Brian.Yavarow@ci.fergus-falls.mn.us" <Brian.Yavarow@ci.fergus-falls.mn.us>
Date: 12/30/2020 08:58 AM
Subject: EAW Comment

Please add this to my comments submitted on 12/27, under the ash impound section:

At the Aurdal Township meeting on Dec. 17, OTP was asked where the location was of the unlined ash impounds cited in the EAW. OTP said that ash was removed in 2014 and did not say where the piles were, or how much they removed. The location of the unlined ash impounds should be disclosed and further study should be done, including soil and water samples in those locations. We moved to our home in 2017 and have arsenic in our well water. When we reached out to OTP to inquire if there was a possibility the source could be from the ash, it was never mentioned that there were unlined ash pits in the area and that they were removed as recently as 2014. If there is contamination in these areas, the soil should not be further disturbed with grading, installation of solar panels, and water runoff from the panels as it puts the public's health at risk. If OTP is allowed to develop the solar farm in these areas and arsenic, mercury or other inorganic hazardous waste is present, these areas should be closely monitored (in conjunction with the city for transparency), OTP should have a mitigation plan, and any fluctuation in test results should require swift action by OTP to resolve the situation.

Thank you,

Katie Tysdal

December 18, 2020

City of Fergus Falls
Attn: Brian Yavarow
112 W. Washington Ave.
Fergus Falls, MN 56537

RE: The Otter Tail Power Hoot Lake Solar Project.

Dear Brian,

As you know the Fergus Falls Fish & Game Club owns land that is on the west side of the proposed OTP Hoot Lake Solar project. On this property we have a walking trail that many people use for exercise and viewing nature. We are an organization that has been in existence for over 100 years and are very concerned with the preservation and enhancement of our great outdoor resources and habitat. From what we have seen and heard about the OTP HL Solar project; we would like to voice our concerns with a project of this magnitude. We also do understand the reasons that OTP has chosen this site for their Solar project. If this project is going to move forward, we would like to present some items that we would like to see put into the project to try and make the best of it for wildlife and habitat. The following are some items that we would like you to consider.

- As with our One Mile property we understand that there are areas on the property to the east of us that also have Native Prairie on it. This land has never seen a plow and there is very little of this type of land left in the State of Minnesota. We would ask if this land could be identified and would not be developed for the project.
- We understand that there are numerous drained wetlands on OTP's property. We could see the opportunity to restore or enhance these wetlands. One method that could be used would be to install ditch plugs to hold water in these areas. These structures could be helpful for restoration and could also be useful for crossing points for equipment and Solar cells.
- We would also like to see the planting of native pollinator plants. These may not be plants that would work on the whole project, but wherever possible. Also, there may be other grasses or plants that would work where taller plants would interfere with the Solar cells, yet would benefit wildlife or habitat.
- Also, we understand that there will be fencing installed around the perimeter of the project. It would be nice if this fencing would be wildlife friendly and not an eye sore.

For the items that we have mentioned we may be able to offer some advice and recommendations. We do have members of our club that have years of background in habitat restoration and enhancement of land. There may be programs out there that could help with funding or recommendations that would work in this setting. The Fergus Falls Fish & Game Club would like to be part of this project if we can help in making it better for wildlife and habitat. Please keep us informed as this project moves along.

Thank you,



Mike Rheault
FFF&GC Treasurer

From: "Molly Stoddard" <msprairiefairie@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/30/2020 06:22 PM
Subject: Public comment for Hoot Lake Solar

Hi, I'm submitting comments as a private citizen. Thank you for the opportunity.

First I'd like to applaud the city of Fergus Falls and Otter Tail Power Company for investing in green energy, a green economy, and green infrastructure. The benefits to our residents and visitors include cleaner air, an important health benefit, and of course fewer fossil fuel emissions which contribute to climate change. As an Otter Tail Power customer and resident of Fergus Falls, I'm very pleased to see the direction both are taking towards a more sustainable future ecologically and economically by diversifying energy resources. I'm so glad to be writing this letter instead of opposing another coal plant or oil pipeline. It's a perfectly appropriate type of development to take place on the chosen location. As a recreational kayaker, I appreciate that not every foot of river shoreline needs to have housing or commercial building. I support the Hoot Lake Solar project.

My questions...

1. Why isn't OTPC including the big mowed field on the hill north of the Hoot Lake power plant on the project area map?
2. What is the purpose of the fence? Is it really necessary? Seems like a lot of fence. Why not let wildlife continue to use the area? Or is it to keep people out and if so, why? Is it unsafe?

My recommendations in no particular order:

1. Provide public tours of the finished facility for residents and visitors to help educate others about solar energy.

2. Partner with local school districts to provide educational experiences so area students have the opportunity to learn about solar energy.
3. Partner with local conservation agencies to identify drained and filled wetlands on the site and restore them prior to restoring any prairie or installing panels.
4. Partner with local conservation agencies to restore more than the targeted 16 acres of native prairie. Prairie plants grow and bloom at many heights starting with ground level in early spring. Species that reach less than 12 inches in height can be chosen to grow under the solar panels instead of placing gravel which will require spraying to maintain at a detriment to the very pollinators attracted to the fence line prairie plantings. Any restored prairie acreage can be included in the Fergus Falls Mayors Monarch Pledge.
5. To save on landfill space, require Otter Tail Power Company to repurpose and recycle as much of the Hoot Lake Power Plant as possible upon decommissioning it.
6. For the best possible sustainability, require OTPC to create and maintain a regularly researched and updated plan for repurposing and recycling the solar panels when they reach their expected life span of 35 years.
7. Involve local students in assisting in planting native prairie seeds and plants on the site.
8. Provide a self guided walking or hiking trail open to the public year round on site with interpretive signage about the site. Perhaps link it to the North Country National Scenic Trail which runs nearby at One Mile Lake Prairie.
9. Provide signage near the Otter Tail River identifying the site and inviting canoeists and kayakers to land their crafts, stretch their legs, and learn more.

Thanks again for this chance to provide you with some input. I'm excited to see how this solar project takes shape. If you have any questions, please feel free to contact me.

Molly Stoddard
520 W Douglas Ave
Fergus Falls
Email: msprairiefairie@gmail.com

From: "Tegdesch, Elizabeth (MPCA)" <elizabeth.tegdesch@state.mn.us>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Kromar, Karen (MPCA)" <karen.kromar@state.mn.us>, "Card, Dan (MPCA)" <dan.card@state.mn.us>, "Getman, Roberta (MPCA)" <roberta.getman@state.mn.us>, "Schroeder, Scott T (MPCA)" <scott.t.schroeder@state.mn.us>, "Ziegler, Jim (MPCA)" <jim.ziegler@state.mn.us>
Date: 12/30/2020 10:09 AM
Subject: MPCA Comment Letter - Hoot Lake Solar

Attached are the Minnesota Pollution Control Agency's comments on the Hoot Lake Solar Project Environmental Assessment Worksheet.

Please acknowledge receipt of this comment letter to Karen Kromar at Karen.kromar@state.mn.us

Thank you.

Elizabeth Tegdesch
Environmental Review
651-757-2100
Elizabeth.tegdesch@state.mn.us

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(See attached file: Hoot Lake Solar Comment Letter.pdf)

December 30, 2020

Brian Yavarow, P.E., City Engineer
City of Fergus Falls
112 W. Washington Avenue
P.O. Box 868
Fergus Falls, MN 56537

Re: Hoot Lake Solar Project Environmental Assessment Worksheet

Dear Brian Yavarow:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Hoot Lake Solar project (Project) in the city of Fergus Falls, Otter Tail County, Minnesota. The Project consists of development of a solar photovoltaic project. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Water Resources (Item 11)

- Please note that the major watershed is the Otter Tail River Watershed (HUC8 #09020103), not the Red River of the North Basin.
- The EAW states two waterbodies in the southeast portion of the Project area are public water basins. Only one, Unnamed Lake (56-0815-00) appears to be mapped as a public water basin on the public waters inventory map and the submitted wetlands delineation report. The waterbody to the north of Unnamed Lake does not appear to be mapped as a public water basin.
- The EAW states "There are no Clean Water Act Section 303(d) Impaired Waters within the Project area and no impaired waters within 1 mile of the Project. The nearest impaired waterway is a section of Otter Tail River..." Please note that Pebble Lake (56-0829-00), is located approximately 1 mile south of Minnesota Highway 210, and is impaired for mercury in fish tissue. MPCA staff expects no impacts from this Project to the mercury impairment.

Stormwater

- The EAW discusses the plan to utilize basins for stormwater treatment, but there is no mention of utilizing a volume reduction method. The Project will be required to utilize infiltration at the site to manage the stormwater volume unless prohibited for one of the reasons in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater permit. If infiltration is prohibited, the Project proposer could also consider collection and reuse to manage stormwater, such as for irrigation during dry periods. The planned use of native vegetation will aid infiltration of stormwater on the site.
- There are numerous waterbodies within or adjacent to the site boundaries. The Project proposer will be required to maintain 50 foot buffers to all surface waters (including wetlands that are not Department of Natural Resources public waters). If the 50 foot buffer must be encroached, redundant (double) downgradient sediment controls will be required during construction to protect the surface water. The Project proposer will need to ensure temporarily or permanently unworked soils on any portion of the site are stabilized within 14 days even if work will resume in the area. Please direct questions regarding Construction Stormwater Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Brian Yavarow, P.E.

Page 2

December 30, 2020

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Scott T. Schroeder, MPCA, Detroit Lakes
Jim Ziegler, MPCA, Detroit Lakes

From: "Kitty Lahti" <katharinelahti@charter.net>
To: <hootlakesolar@ci.fergus-falls.mn.us>
Date: 12/29/2020 07:28 PM
Subject: Adjacent landowner concerns about solar project

City of Fergus Falls:

As adjacent landowners of over 22 years whose home will be affected by the solar project, we hope that the city makes the effort to update and modernize its current solar ordinance to accommodate the large scale of this solar farm. This project seems quite rushed, with no firm decisions made or communicated yet regarding type of fencing, setbacks, and other environmental issues directly affecting the adjacent landowners. Most of these decisions also seem to be left entirely to the discretion of Otter Tail Power Company, because the current solar ordinance apparently does not provide guidelines. We both teach environmental science and are supportive of solar energy, but this lack of regulation makes us nervous.

We have one specific concern about the bald eagle nest within the project area (on the "Buchholtz" land) that is described on page 23 of the EAW form as "a *new* documented bald eagle nest in the northeast section of project area." We don't know exactly what is meant by "new," but the nest has been in that same location for at least 6 years. We have watched that bald eagle pair as they sat in the nearby dead trees on the "Lahti land" for a long time and would hate to see them disturbed.

Richard and Katharine Lahti
620 Broken Down Dam Road



December 30, 2020

Brian Yavarow, City Engineer
City of Fergus Falls
PO Box 868
Fergus Falls, MN 56537

RE: EAW- Hoot Lake Solar Project
T132 R43 S1; T133 R42 S31; T133 R43 S36
Fergus Falls, Otter Tail County
SHPO Number: 2021-0456

Dear Mr. Yavarow:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

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 sites 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 Kelly Gragg-Johnson in our Environmental Review Program at kelly.graggjohnson@state.mn.us.

Sincerely,

A handwritten signature in blue ink that reads 'Sarah J. Beimers'.

Sarah J. Beimers
Environmental Review Program Manager

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

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From: "Tami Revering" <tamirev93@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/31/2020 11:40 AM
Subject: Hoot Lake Public Comments

I am aware I am a day late but I figured I would share anyway..

I am 100% on board with a solar farm for Fergus. However, if the residents around the area lose value to their home, I would hope there would be a fair financial compensation (by the Federal Relation Act or property depreciation as determined by an expert appraiser) to be a part of the city's permitting process.

I also don't think it would be a bad idea to get a second option for location. As a GIS technician & geographer I aware of the spatial requirements for a solar farm. And though this is definitely the cheapest location for OTP, I feel other locations can be looked at. I am not sure if it is too late to change the location, so if not, I would definitely hope trees, bushes, etc be planted to shield homes and 1-mile trail be protected from view.

Thank you
Tami

--
Tami Revering
GIS Technician

FBS - Creators of Flexmls

2020-12-30

To City of Fergus Falls- EAW Comments for the Hoot Lake Solar Project

From Teresa (Tere) Mann, 1319 N Park St, Fergus Falls MN 218-205-4931 teremann@gmail.com

I have many thoughts on this project but want to say that I am a proponent of alternative energy production, along with encouraging conservation and looking at the full value stream of a project. We need to be responsible stewards of the earth, which sustains all life.

I believe this project needs a lot more planning and review. I believe a EIS is in order.

When asked at the Aurdal Township presentation of this project on Dec 17, OTP employees responded to a number of concerns about grading, and impact that OTP was not far enough along in the design of the project to know how much grading would have to be done. This, in my view contradicts the EAW which states that there will be little or no impact after construction of the wetlands and erosion. Yet if they have not gotten far enough along in the project to know how much grading (moving earth) they will need how can they make those statements?

I believe an EIS is warranted in that an EIS would help develop the project in more detail and is a means to address many underlying issues.

Wildlife—The area of this project is between and through areas where wildlife is known to move and use to get from the river and the area by the river, including Broken Down Dam Park and the Wetland Management Area to the south of 210- directly across the road from the project. Can corridors be provided for this movement?

How will the native vegetation be cared for and maintained? Herbicides? Grazing? Again what is the long term plans?

How does this plan effect the trails and commons areas of Fergus Falls? Ie One Mile Prairie, Central Lakes Trail, Broken Down Dam Park, North Country Trail, etc.

What about the visual coming into Fergus Fall from the east on State Hwy 210?

What about the neighbors to the project? The set backs? The islands of township residents in the midst of being surrounded by City of Fergus Falls? The property value of those homeowners?

The Plan to use 229th Ave for construction access to the project verses Main Street and access through the city. It was brought up at both the Dec 8 Mtg at City Hall and the Dec 17th online meeting with Aurdal Township that 229th Ave is not adequate for this access and that Dane Prairie Township is responsible for the maintenance of this road. If 229th Ave is not available for the construction traffic, it would directly impact those on Mt Faith, Main Street and Springen/Concord or other residential neighborhoods to move construction materials to the project area. There may need to be roadways built within the project area to provide access. Again what is the environmental impact of those other options.

My biggest concern is the decommissioning of the solar farm. What happens when the solar panels have outlived their usefulness. At the Dec 17 Mtg with Audal Township OTP stated that after 35 years (the expected life of the panels) there would be the technology to deal with this. I suggest that there is a decommissioning plan which includes a fund set up by OTP to cover the cost of disposal, recycling, of the materials for this project and land reclamation of the area used. This is becoming part of best practices for these sorts of project. This fund would be reviewed every 3-5 years to be sure the necessary funding is maintained to deal with the project. Here is a link for how some are looking at this decommissioning of solar farms. <https://www.solunesco.com/2018/09/10/decommissioning-of-solar-sites-a-key-consideration-of-the-project/>

How does dealing with the reclamation of 355 acres with 150,000 solar panels compare to reclaiming the RTC campus?

I would hate to see the future residents of Fergus Falls and Otter Tail County have to bear the cost of the decommissioning when the profits have been made by OTP and that funding is no longer available. I just have to think about the RTC and the empty buildings in the area to see what a difference it would have been to think about what happens at the end of a project's life cycle. What is the cost of demolition, disposal, reuse etc. When we start to look at every project through the "Cradle to Cradle" lens, we will have a better place for ourselves and for our children, grandchildren and the earth in general. (See William McDonough & Michael Braungart's book Cradle to Cradle for more info, or google the concept.).

In looking at the full value stream we would also be looking at where the components are coming from and what sort of impact their manufacturing has on the environment and the workers of these 150,000 solar panels.

I think that OTP's closing down the Hoot Lake Plant, the decommissioning of the dams on the river, the RTC, and other things around the areas are great examples of not looking at the long term effects of projects and what happens when they are left for the community to deal with. Who bears the cost after the profits have been taken away from the community? Who has to pay for long term maintenance and clean up? (The sewer line going over the river by Union is another example of potential cost to the city with the Hoot Lake Plant closing.)

I have also looked through some of the statutes on solar energy on the State of MN website. www.revisor.mn.gov I see where says that a utility needs to file regularly (not specified time frame) a "renewable energy plan" Statute 216B.2422 RESOURCE PLANNING; RENEWABLE ENERGY. I think it would be prudent for the city to ask to see the past plan for renewable energy.

This project as proposed with the EAW is not be well thought out for a number of reasons. I think an EIS is in order. I would like us to see how long this project has been planned for and to demand that more thorough planning be done for everyone's benefit. Including the economic cost benefit to OTP. I think economic In looking at the property involved in this project and which we understand OTP will request be annexed into the city, OTP has purchase most of it in

the last year. Some within the last 6 months. For a multi-million dollar project one would hope there was more planning involved. OTP has known that Hoot Lake was being closed for years.

Here is a link from a report of the MN Auditor's office for reference in comparing a EAW and EIS: <https://www.auditor.leg.state.mn.us/ped/pedrep/envir.pdf> Here is one comparison which I think is relevant:

Table 1.1: Statutory Definitions of Environmental Assessment Worksheet and Environmental Impact Statement

Environmental Assessment Worksheet

- A brief document
- Sets out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action

Environmental Impact Statement

- An analytical rather than encyclopedic document
- Describes the proposed action in detail
- Analyzes significant environmental impacts
- Discusses appropriate alternatives to the proposed action
- Explores methods to mitigate adverse environmental impacts of the action
- Analyzes economic, employment, and sociological effects that cannot be avoided if the action is implemented

SOURCE: Minnesota Statutes 2010, 116D.04, subd. 1(c) and subd. 2a.

What is the economic impact of this project? An EIS would begin to answer that question. The economic impact to more than just the property taxes to be recouped by this project compared to the Hoot Lake Coal Plant. What about the profits for OTP? They are a large corporation which looks to making returns for its shareholders. They are not responsible to use this project to reduce rates of their consumers. Look at their Annual Report and their Proxy Reports to see where their money has gone. They have requested rate increases in the midst of the Co-vid crisis. They used the term "Energy Adjustment Rider Rates" in their communications with consumers to hide the rate increase (try searching for that on their website)

I have been a regular attendee at Otter Tail County Board of Commissioner's meetings for the last 7+ years and I have seen them go through couple of the EAW/EIS processes. In their Sept 22 meeting where they agreed that the City of Fergus Falls should be the RGU for this project, there was discussion and concern voiced that the City of Fergus Falls hire a consultant to help with this process. In a conversation with one of the commissioners he said that OTP would

have to pay for the consultant. Having an independent consultant review the project and concerns would be in the best interest of the city.

Please seriously consider hiring a consultant to protect the resources of the city and make sure you have done right by not only the existing residents but also future residents of Fergus Falls. You have the knowledge which was not available in the past to make good decisions.

Please ask for an EIS. It will give everyone a more detailed look at the project including the economic, social and environmental impact. We need to think more completely about the process and you have responsibilities to the future.

When we have addressed these concerns and those of others, I will be here to help promote such a project. You as leaders of Fergus Falls have the opportunities to be leaders of the **future** here.

Thank you for all your work for the citizens of Fergus Falls! I know it is often a thankless job.

When a living system is pushed outside its normal range of operation, there is conflict and chaos. Out of the conflict and chaos, with creativity, a new way of operating can be found. Creativity is the resilience of a system. If a system does not change its old ways of doing things, it is a runaway system which goes beyond its means to survive. The system loses its connection to the whole and dies.

Thank you for the opportunity to respond to this project

Sincerely,

Teresa (Tere) Mann

My name is Thane Schmidt. I am a resident of Aurdal Township but also own property in the city of Fergus Falls. The following are my comments regarding the EAW and proposed solar farm east of Fergus Falls.

First, I would like to include a letter a sent to the Fergus Falls Planning Commission and to each member of the Fergus Falls City Council on 10/14/20 and 11/9/20 respectively.

Dear member,

I am sending this email as you are a member of Fergus Falls planning commission. If this email would be more appropriate sent to others, please let me know. My name is Thane Schmidt, I live east of Fergus Falls in the Birchwood Estates neighborhood but also own property in the city of Fergus Falls.

This email is regarding the proposed solar farm east of Fergus Falls, south of the Ottertail river and north of 210. I would first like to state, I am a proponent of solar energy and was quite excited to hear the news of Ottertail Power using existing land and infrastructure to develop a solar farm, however over the past few days some concerns have arisen. These concerns are multi factorial and will be discussion for both city and township. I am writing from a few standpoints- one being an Aurdal township resident that is concerned regarding how this will affect us as residents just east of Fergus Falls and the other being a property owner within the city of Fergus Falls and how this can and will affect Fergus Falls development.

I have recently learned Ottertail Power has already and is in the process of expanding their footprint from 125 acres to approximately 600 acres. Although the sale may have not been finalized yet, I presume they are purchasing land south of east main which currently is listed as owned by Mark Sand and Gravel and are in the process of purchasing other land as well. This land extends south and meets highway 210. If this land is included in the solar farm it would mean everyone entering Fergus falls from highway 210 would be driving by nearly 500 acres of solar farm. This would also mean Ottertail power would own land north and south of east main street and anyone entering Fergus Falls from east main would be driving by hundreds of acres of solar panels to north and south of them--- Not aesthetically appealing for anyone driving into Fergus Falls. Also of concern is probable decrease land value of any home or property near this solar farm.

Part of my reasoning to email you is my interest in the master plan of Fergus Falls and where the committee envisions Fergus falls growing. I am interested and active in the real estate market of Fergus Falls and have followed the housing concern that Ottertail county and Fergus Falls faces. I also am aware of the tax incentives for development of new housing. From a land development standpoint this project would basically cut off any development of Fergus Falls to the east. Ottertail Power already has an extensive footprint to East and Northeast of Fergus fall using valuable land around the river, Hoot Lake and

Wright lake. What does the planning commission see for the future growth of Fergus falls and how would this solar farm impact this planning?

The purposed size of this solar plant is 49.5 megawatts. This is .5 megawatts short of Ottetail Power needing Public Utility Commission oversight. I am concerned as there are no current ordinance's on township basis or county basis and that Ottetail Power will use pressure and or predatory tactics to implement their will over property owners. I have already been in contact with property owners who have felt strain attempting to work with or gain information from Ottetail Power. The city of Fergus Falls does currently have an ordinance but does not come close to resembling current Minnesota best practices for solar farms. I encourage you to review the city ordinance and Minnesota best practices and compare.

We should not be distracted by the shiny object. All projects come with challenges. This project is no different. I would like to say again I am a proponent of solar energy. I feel there needs to be transparency by anyone with knowledge of the project. As of now I feel most residents are in the dark about a massive project that will have impact on Fergus Falls and surrounding area.

This communication may be premature. My hopes are to gain some insight and to start a dialogue regarding the proposed solar farm and future development of Fergus Falls. The details I mentioned may not be exact; but how is any one to know the specifics due to there being very minimal information for the public. How will this impact Fergus Falls? What are the potentials benefits/pros? And what are the potential risks/cons?

Again, this was sent a few months ago prior to many of the details and the EAW being released, but most of this is accurate.

I would first like to express concerns which are not discussed in the EAW but are very common sentiments among concerned residents. There appears to be lack of transparency coming from Ottetail Power (OTP) and from the City of Fergus Falls. I was disappointed not to get a response from the Fergus Falls Planning Commission. Even more concerning was the lack of knowledge city council members had. How can a project of this magnitude be put into motion without the planning commission or city council? When asked, I was told this property is outside city limits so the townships would need to be contacted. I am aware the City is the RGU, however the townships were not notified regarding any of this from either OTP or the city; this again goes back to transparency.

Also of concern is the annexation process of agricultural ground from township to city. This provides no benefit to the city other than tax revenue. I have reviewed annexation rules from the State of Minnesota. Although there is nothing written regarding annexation of ag lands, I do feel it is improper. Annexation of lands should be done to expand the city's attributes not tax revenue. Annexation should occur to include current homesteads, future homesteads, development property and commercial property not a solar farm which will hinder future growth of the city.

My primary concern is how this solar farm will hinder the growth of Fergus Falls to the east, which specifically contradicts the Northeast River Reach which is discussed in the EAW. Also of concern is the aesthetics. Some of this will be discussed in conjunction with the EAW; but ultimately Ottertail Power (OTP) wants to maximize land use which includes grading and 10 acres of tree removal. This in conjunction with the “security fence” is not a super inviting sight for people entering Fergus Falls on highway 210 or on east main street.

OTP previously put on some QAs zoom meetings. They acknowledge this site was picked due to its proximity to the hoot lake plant. This allows OTP cheaper access to hoot lake plant. By their own admission, this project is roughly 50% the cost of other projects of similar size. When asked about other locations they stated it would cost approximately 1 million dollars per mile to transfer solar power to hoot lake plant. So of course, the closer to Hoot Lake Plant the better for OTP.

What is good for OTP is not necessarily good for the City of Fergus Falls, the townships, or for Ottertail County. This is not the highest and best use of this property. This solar farm should be further into rural county land.

OTP is a for profit utility company who paid out millions to share holds and currently asking public utility commission for a rate increase

The following are comments and concerns regarding EAW.

Concern 1

Pg. 3: “The entire project site would be surrounded by a security fence. If chain link, woven wire, or deer fencing is used, the fencing will be approximately 8 feet tall with access limited through security gates.”

-This “security fence” is aesthetically displeasing—its ugly. No one wants to look at this. This fence would be visible from highway 210 and from east main street. How many people travel these roads per day? Is that what we want people to think of when they drive into Fergus Falls?

- This allows no animal passage for large game. Large game travelling south or north would need to travel to the east or west in order to do so. This barrier to normal travel has a host of effects including eating, sleeping habits, and possible reproduction. This would also force an influx of animals into crossing area which I would assume would impact vehicle travel and possibly lead to increased accidents and mortality. The possible increase in motor vehicle accidents was not addressed in the EAW.

-This “security fence” in conjunction with the whole project is bound to decrease property values of neighboring homes and developments. The EAW did not address this.

Concern 2

Pg. 3: "Site development would include tree and stump removal (10 acres), clearing and grading of land,"

-Tree removal would increase vision of solar panels and security fence; see concern 1.

-Tree removal in conjunction with grading would disturb natural geography and increase erosion, see concern 7.

Concern 3

Pg. 3: To the extent practicable, grasses would be planted and established for all disturbed areas using a native seed mix under Department of Natural Resources "Prairie Establishment & Maintenance Technical Guidance for Solar Projects"

-This is too vague. The planting of native grasses should be mandatory.

Concern 4

Pg. 7-8: "The Otter Tail County Long-Range Strategic Plan (2019)" states and objective to "Promote housing developments that are accessible to community resources, such as jobs, retail districts, and transportation options, such as walking, biking and transit networks"

-As stated in my initial letter; part of the reason for reaching out was to assess how the city or whom ever could answer me felt regarding this solar farm being built on the east side of Fergus Falls. This would effectively cut off all development east of the city. It has been noted by both the City of Fergus Falls and by Ottertail County; housing needs is of the utmost importance.

- Again, this solar farm would prevent any growth of Fergus Falls to the east. This solar farm is in complete competition with the Northeast River Reach. "The City of Fergus Falls' (City's) Northeast River Reach Small Area Plan, finalized in 2018, provides guidance for long-term public and private investment in the Northeast River Reach area of the city in terms of economic sustainability while maintaining and enhancing its natural resources (City of Fergus Falls 2018)"

As stated in the Northeast River Reach

Project Goals:

The following goal for this area were identified during the planning process:

- Provide land uses that support, but do not compete with downtown
- Extend recreational trails that connect with regional trails and the downtown
- Provide additional river access for recreation

- Create a development vision that is viable and strengthens the area's tax base • Preserve natural areas as open space and parkland
- Create additional housing opportunities for area residents
- Create additional employment opportunities through existing or new businesses
- Maintain space for public and institutional uses that are important to the city and region

This project would take of valuable land which could be used in correlation with the Northeast River Reach development plan. This project provides zero full time jobs. This is not the highest and best use of this land

The EAW does not accurately reflect how the solar farm with hinder the development of Fergus Falls

Concern 5

Pg. 8: "The City's Code of Ordinances, Section 154.138, Solar Farms; Allowable Zoning Districts and Design Standards, recognizes solar farms as a permitted use in residential-agricultural (R-A) zoning areas. The ordinance also contains requirements to construct solar farms within city limits, such as requiring a building permit from the City. The proposed Project would be located in an area that is zoned R-A, allowing for solar farm use. OTP has been coordinating with the City and is designing the solar facility to comply with construction elements outlined in the ordinance. All City-required property setbacks would be followed (i.e., 30 feet for front yards, 10 feet for side yards). In addition, a 40 foot setback is currently designed for parcels outside of current city limits."

-The proposed solar farm may be annexed by the city of Fergus Falls. If this occurs, OTP will need to follow city ordinances or lack of regarding setbacks and screening. The EAW setbacks are not adequate to minimize impact to adjacent properties and roadways. Setbacks from roadways are not addressed in the EAW and this project will border a significant stretch of HWY 210 and Main St.

-City's current ordinance does not discuss screening which was discussed here in concern 1. Nor does it discuss fencing. The city should update their solar ordinance to require the 8.61 miles of fencing to be wildlife friendly fencing in all areas possible to minimize impact, or this is completely left up to the developer to decide after the EAW is approved.

Concern 6

Pg. 9: "The Minnesota Statute, Section 103F.48 requires a permanent 50 foot wide vegetated buffer on agricultural land in shoreland areas adjacent to public waters. Otter Tail County has an initiative to assist landowners in creating this buffer. The current designed setback in this area is 50 feet"

-I feel it is inappropriate for a company such as OTP to ask for assistance to pay for buffer strips.

Concern 7

Pg. 11: "Only four of the soil types were rated as severe, but they account for approximately 59.6 percent of the project area"

-Much of this land has severe erosion rating. This combined with geographical changes, tree removal and no enforcement over screening and or native grass planting would worsen the erosion risk.

Concern 8

Pg. 23: Bald eagle nest removal

In discussions Ottetail Power has expressed a yearning to be good neighbors and stewards of the land. I think the EAW attempts to share that sentiment. But the truth is we can use past experiences to guide us. Ottetail power for years has used the Ottetail river, a public water way, for their enrichment. The DNR has made recommendations regarding the 5 dams in and near Fergus Falls. These recommendations have been ignored. So, we cannot just leave things vague, in hopes that OTP will make the right decisions or that the just actions are taken. This is for profit company that makes decisions based on what is best for Ottetail Power.

I am against this project in the proposed location. It is being built at its current location because it is cheap for OTP to do so. If this proposed solar farm does move forward, I would sincerely hope the concerns brought forward are heeded.

Thank you, Thane Schmidt

12/29/20

From: "Valerie Thompson" <v_hytte@yahoo.com>
To: hootlakesolar@ci.fergus-falls.mn.us
Date: 12/30/2020 10:47 PM
Subject: Moratorium on Hoot Lake Solar Project.

Dear Sirs

My name is Valerie Thompson and I live on Guttenberg Heights and my property borders the Hoot Lake Solar Project. I have become aware that Otter Tail Power is hoping to build a massive solar project. I would like to convey my strong concerns about this project. I will develop below some of my most immediate issues around this project. How it will affect property values for me and others as well as diminishing an ecological and recreational bounty for Fergus Falls. Let me be clear on the issue that I am an advocate of alternative energy and have invested in it myself. Through my experience, first hand and educational research, I am aware of many of the pros & cons of this type of energy. So, let me continue.

This area that OTC is planning to develop into a solar project has a very unique and precious topography. The geological contour of the area is unique and very special for this part of the county. It has a canyon and glacial bluffs. If you have ever walked around this area you would remark at how diverse and beautiful it is.

The rolling aspect of this area is not the most suitable for a solar field. Much of it is hilly with deep valleys and unusual rock and ground formations. How do they plan on grading and restructuring this land area? Will it affect water drainage or Wildlife inhabitants?

My frequent observation of this land is that it is the winter home for much wildlife. Many deer

shelter in this area for the winter. They often come here during the hunting season and often stay till spring. I see the evidence where many deer have slept in protection of the weather. There is evidence of the young buck starting to think about mating. And in spring all the young babies find their first legs in the protection of the forests in this area. There are not many hazards for young deer families in that area. Except for a few coyotes and my solar array.

I have a small solar array. It is fenced and protected. Yet, I do notice that the deer try to get inside my fencing. They want the food and weeds that they find underneath the solar grid. I am used to a little damage that may happen. Yet I wonder how many deer will find their way over the fence of the proposed project and how many will get caught and injured.

I also have concerns that the OTC project is between Broken-Down Dam state park and 1-mile prairie (monarch way station and remnant prairie designations). It will also be a monolith to the North country trail system, state bike trail, and within view of Prairie wetlands. These areas are steadily growing in popularity and use. I can attest to the regular usage of Broken-down dam, 1-mile prairie & North Country trail. These areas are such a wonderful attraction to Fergus Falls and lots of visitors from out of state. I meet many people on these trails that are from all over the state and country. I think it would be such a detriment to this area to diminish its natural beauty with a massive solar field.

I also am quite concerned with the upkeep of this solar project. Solar panels have a limited lifespan. Are they contractually committing to the upkeep and maintenance of this project? Are they planning to repair the damage if they no longer find it profitable?

I hope the city council completes a full EIS study before giving consent to this project.

I also would strongly encourage this council to consider that there are other more appropriate areas to develop this project.

It would be so disappointing and unfortunate for us, to have people wonder at our short sightedness when they visit some of our most important natural parks and recreational areas.

Thank you so much for your time,

Valerie

From: "Wayne Macheledt" <wmacheledt@gmail.com>
To: "hootlakesolar@ci.fergus-falls.mn.us" <hootlakesolar@ci.fergus-falls.mn.us>
Date: 12/08/2020 09:08 AM
Subject: Re: Solar project comments/questions

On Tue, Dec 8, 2020 at 9:01 AM Wayne Macheledt <wmacheledt@gmail.com> wrote:

- 1) At 49.9 megawatts how can the perception be anything other than sketchy that OTP is .1 below requiring Federal oversight? Wouldn't it be wise for the city to request such oversight even if not required?
- 2) With average solar panel life expectancy of 25 years and improved methods to manufacture creating basically no means or reason to recycle components, which landfill will these 150,000 panels begin to fill at that time?
- 3) The current gravel road from Hwy 210 is poorly maintained and less than an easy drive after any precipitation now, how will residents use it when an estimated 150 semi trucks daily are hauling supplies during construction?
- 4) Looking at the project map, why wouldn't the most NW section be moved to the center north open area by the ash site? This would create a beneficial buffer for all Gutenberg property owners and possibly reduce or eliminate the enormous property value declines for these residents.
- 5) How can the city of Fergus Falls act as the RGU without established ordinances to protect their residents or experience for such a large scale project?

I look forward to factual answers to my questions,
Wayne Macheledt
1931 Main St
Fergus Falls

From: Kevin Brennan <kbrennan@prtcl.com>

Date: January 7, 2021 at 2:20:30 PM CST

To: Rick West <rwest@co.ottertail.mn.us>

Subject: Re: Otter Tail County Public Committee Meeting - OTP Solar Project

Rick - Question

Since the county has no land use zoning requirements for solar farms/this project, but that the two townships do - why were the townships left out of the determination/negotiations of who would be the RGU? Especially in light of the fact that one County Commissioner was referring individuals with permit questions to the townships and the fact that Buse Township has the largest acreage impact?

This seems contrary to EQB guidelines/direction on determining the RGU.

Kevin Brennan

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Rick West <rwest@co.ottertail.mn.us>

Date: 1/7/21 10:23 AM (GMT-06:00)

To: Kevin Brennan <kbrennan@prtcl.com>, Doug Green <degree@prtcl.com>

Subject: Otter Tail County Public Committee Meeting - OTP Solar Project

Kevin and Doug: I thought I had Greg's cell number however I found that I do not. Can one of you contact him reference the meeting this afternoon. Thanks.

Richard (Rick) West, P. E.

Public Works Director

Otter Tail County Public Works Division

505 South Court Street, Suite 1

Fergus Falls, MN 56537

Direct 218-998-8473 | Office 218-998-8470

Mobile 218-205-6963

rwest@co.ottertail.mn.us

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From: "BRET BORTH" <BBorth@msn.com>
To: "HootLakeSolar@ci.fergus-falls.mn.us" <HootLakeSolar@ci.fergus-falls.mn.us>
Date: 12/10/2020 08:32 AM
Subject: Message for Mr. Brian Yavarow

Brian-Good morning. I just thought to reach out in regards to the planned solar project there in FF. Curious what role the city will play here in this development compared to OTP. Braun Intertec would like to be in position to assist on the front end of this project given our experience in working on solar farms. Our core deliverables are geotechnical engineering, foundation materials testing/inspections, and environmental permitting. With offices in both St. Cloud and Fargo we can get to the FF area easily. Reply when you have a minute....thank you!

Bret Borth

Braun Intertec

www.braunintertec.com

612 360 0753(*See attached file: Renewable Energy_Solar_Erik.pdf*)

From: "John Dinsmore" <dinsmore@prtcl.com>
To: "Brian Yavarow" <brian.yavarow@ci.fergus-falls.mn.us>, <communications@otpc.com>, <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Ben Schierer" <ben.schierer@ci.fergus-falls.mn.us>, <andrew.bremseth@ci.fergus-falls.mn.us>, "Lynne Olson" <lynne.olson@ci.fergus-falls.mn.us>, "Tara Bakken" <tbakken@co.ottertail.mn.us>, "Nicole Hansen" <NHansen@co.ottertail.mn.us>, "Rick West" <rwest@co.ottertail.mn.us>, "Nick Leonard" <nleonard@co.ottertail.mn.us>, "Amy Baldwin" <abaldwin@co.ottertail.mn.us>, "Brian Draxten" <bdraxten@ottertail.com>, "Beth Monke" <dmonke@prtcl.com>
Date: 12/29/2020 01:05 PM
Subject: Letter of Support for OTPC's Hoot Lake Solar Project

Brian and OTPC Communications,

Per the instructions provided by the Otter Tail Power Company's Hoot Lake Solar webpage, I am submitting the attached letter of support. I am also "cc'ing" this correspondence to other interested parties as well.

I would appreciate it if you would include this letter of support as part of the City of Fergus Fall's OTPC's Hoot Lake Solar Project file.

Thank you for your time and consideration.

John

John W. Dinsmore
541 West Maple Avenue
Fergus Falls, Minnesota 56537
218-205-5476 (mobile)
dinsmore@prtcl.com

(See attached file: 12-29-2020 Letter of Support for Hoot Lake Solar Project - John W. Dinsmore.pdf)

John W. Dinsmore
541 West Maple Avenue
Fergus Falls, Minnesota 56537
dinsmore@prtel.com
218-205-5476 (cell)

Tuesday, December 29, 2020

Brian Yavarow, City Engineer
City of Fergus Falls
112 West Washington Avenue
PO Box 868
Fergus Falls, MN 56537

Dear Brian:

Please accept this letter of support on behalf of Otter Tail Power Company's (OTPC) Hoot Lake Solar Project (identified by the MN Public Utilities Commission as Docket Number E017/M-20-844). Their plan to develop a 49-megawatt solar project, whose 150,000 solar panels will generate energy to power approximately 10,000 homes, is to be commended. In the context of their [2017-2031 Resource Plan](#), this effort is future-oriented and utilizes a climate friendly "next generation" natural resource to address the energy needs of their customers.

My support for Otter Tail Power Company's Hoot Lake Solar Project is three-fold:

- **Long Range Strategic Planning:** Although presently retired, I previously served as the County of Otter Tail's County Administrator. Consequently, I am aware of the County Board of Commissioners' recent approval of a 20-year [Long Range Strategic Plan](#) that cites goals and objectives to support "conserving energy and using renewable energy" and promotes "sustainable infrastructure practices that support resiliency and adaptability to climate events." OTPC's Hoot Lake Solar Project is consistent with this public planning endeavor.
- **OTPC Stockholder:** My father, now deceased, was one of many WWII veterans employed by OTPC when the Hoot Lake plant went "online" in 1959. In 61 years, the company has evolved from exclusively generating coal-powered energy to one that will soon be 45% reliant on coal powered electricity. As a stockholder, I am confident that as wind, solar and other "clean" energy technology sources of energy are developed, OTPC's strategic planning will adopt additional energy creation solutions that are climate friendly, economically feasible and sustainable.
- **Grandparent of Grandchildren – and Beyond:** Although political leaders continue to debate and disagree, our scientific research community unanimously agrees that worldwide CO₂ and greenhouse gas emissions must be reversed. Bold investments like OTPC's Hoot Lake Solar Project is what is needed to ensure a healthy future for our children, grandchildren and beyond.

Thank you for this opportunity to voice my support for Otter Tail Power Company's Hoot Lake Solar Project.

Sincerely,



John W. Dinsmore

cc: Mayor Ben Schierer, City of Fergus Falls
Andrew Bremseth, City of Fergus Falls
Otter Tail County Commissioners

Otter Tail Power Company
MN Public Utilities Commission
Citizens' Climate Caucus – Fergus
Falls Chapter

From: "Beth Monke" <dmonke@prtcl.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/30/2020 04:16 PM
Subject: Support for Hoot Lake Solar Project

To Whom It May Concern:

I am a licensed psychologist with Lakeland Mental Health Center in Fergus Falls. I am an avid proponent of moving away from fossil fuel usage in order to decrease our carbon footprint within the next decade in order to avoid certain tipping points that would make it impossible to avoid catastrophic impacts from climate change. These catastrophic impacts, if we proceed on a business as usual course, would continue to increase flooding, drought, devastating storms, and impacts to the survival of many species of animals and plants, as well as humans. As land along the coasts and in the deserts become less hospitable, we will see a gradual migration to states like Minnesota, also impacting our water and land resources.

It is for these reasons that I am grateful to OTPCO for moving forward on their plan to decrease coal usage and increase their reliance on wind and solar. I am happy to encourage Fergus Falls to host a large solar operation in Fergus Falls. The price that we will pay if we continue to pollute with carbon will far outweigh any environmental impact from a solar project. I have heard that some are worried about noise. I have a friend who has her own solar panels and creates 60% of her own electricity on her property and she tells me that there is virtually no noise from solar panels. Although the panels reportedly need replacing every 25-35 years, again, the environmental impact appears to be minimal compared to operations such as tar sands/fracking, mountain top removal, and oil spills/leakage.

Unfortunately, we are dependent on electricity and there is no form of electricity that is totally without environmental impact. Any energy project will be in someone's backyard, and often, because people with power in communities are not willing to make necessary sacrifices, these energy projects are moved to land adjacent to marginalized communities. I certainly would not want to see this happen. I understand the concerns of some who are projected to be enveloped by this project and I hope that OTPCO will continue to work with them to address their concerns, but I see this as an opportunity for our community to take leadership on this issue in a very critical way. We are fortunate to have a power company that is looking to the future and planning not only for their own future but the future of our community and our grandchildren. Utilizing the Hoot Lake facility is the most practical use of an existing structure that will allow for lower costs to consumers.

I am in favor of allowing OTPCO to move forward on this project. This project, in combination with other renewable energy projects, will allow OTPCO to produce 35% of their electricity through renewable energy alternatives. I would appreciate all the support that the city, county and state can give to this important project.

Beth Monke, MS, LP
1000 E. Mt. Faith Ave.
Fergus Falls, MN 56537

From: "Beth Monke" <dmonke@prtcl.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Cc: "Brian Yavarow" <brian.yavarow@ci.fergus-falls.mn.us>, "Benjamin Schierer" <benjaminschierer@yahoo.com>
Date: 12/30/2020 10:45 PM
Subject: Public Comment on Hoot Lake Solar

Hello- I had initially submitted a letter on the OTPCO website, but got an email return from Lynne Olson stating that she was out of the office, so I just wanted to make sure my letter got where it needed to go, because I think the deadline is tomorrow! So I will add it below. Let me know if I need to submit somewhere else. Thank you! Beth Monke

To Whom It May Concern:

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Beth Monke, MS, LP
1000 E. Mt. Faith Ave.
Fergus Falls, MN 56537

From: "Shaw, Dan B (BWSR)" <dan.shaw@state.mn.us>
Date: December 29, 2020 at 7:34:35 PM CST
To: andrew.bremseth@ci.fergus-falls.mn.us
Cc: "Erdmann, Paul (BWSR)" <paul.erdmann@state.mn.us>
Subject: Hoot Lake Solar Project

Andrew,

I'm writing in reference to the Hoot Lake Solar Project that is planned for Fergus Falls. I coordinate the [Habitat Friendly Solar Program](#) for the Minnesota Board of Water and Soil Resource. This program was developed to comply with Minnesota legislation stating that an owner of a solar site may claim habitat benefits for a project if it meets BWSR's Habitat Friendly Solar standard. The program involves many stakeholders including agencies, non-profit organizations, local governments and solar developers working to incorporate multiple benefits as part of solar projects including native vegetation establishment that improves the cooling of solar panels, soil health, carbon sequestration and water management. We encourage the project partners for the Hoot Lake site to work toward meeting the BWSR Habitat Friendly Solar Standard. Please let us know if we can provide guidance or technical assistance to help accomplish multiple benefits for the project and protect adjacent natural resources.

Thanks, Dan

Dan Shaw
Senior Ecologist/Vegetation Specialist
Minnesota Board of Water and Soil Resources
612-236-6291

From: "Clarence Johnson" <cjohnson1251@gmail.com>
To: hootlakesolar@ci.fergus-falls.mn.us
Date: 12/11/2020 11:09 AM
Subject: Comments - Hoot Lake Solar Project

Mr. Yavarow,

My wife and I live at 534 Guttenberg Heights on property that is immediately adjacent to Otter Tail Power (OTP or company) property that is intended to hold solar panels. Over the past month or so, we have had several conversations and emails with representatives and management of OTP concerning the placement of fencing and solar panels in relation to neighboring property lines. While we understand the final plans for placement of fences and panels are not yet completed, OTP managers assure us the company intends to be mindful of the concerns of their neighbors. With this in mind we completely support this project.

We know the final plans for the project will not be completed before December 31st, which is the end of the public comment period, so we do not know with certainty where the fence or solar panels will be placed relative to our property line. We are submitting this comment now based on the public comment deadline, but reserve the right to comment further after seeing the completed plan.

Assuming OTP remains the good neighbor it has proven to be in the past and follows through with assurances to work with neighboring property owners to mitigate concerns, we believe this project is clearly in the best interest of OTP, its rate payers, and the city. In addition to the supply of clean and inexpensive power, we assume the solar project will go some way to replacing taxes lost as a result of the plant decommissioning.

Thank you,

Clarence Johnson
534 Guttenberg Heights
218.998.2595 (home)
763.350.5468 (mobile)

From: "dslindig" <dslindig@gmail.com>
To: hootlakesolar@ci.fergus-falls.mn.us
Date: 12/14/2020 07:49 AM
Subject: Fwd: Proposed OTP solar park

----- Forwarded message -----

From: **dslindig** <dslindig@gmail.com>
Date: Mon, Dec 14, 2020 at 7:11 PM
Subject: Proposed OTP solar park
To: <hootlakessolar@ci.fergus-falls.mn.us>

I favor the proposal. Several reasons: One is the current shutdown of Google happening as I send this message. The word CENTRALIZED should be of extreme concern to everyone. Centralized, electricity, transportation, food, medical facilities, plus others should concern us all.

Bigger may be more cost efficient, but the danger of a shutdown may be catastrophic. The trend is for everything to be bigger and in most cases more distant. So if there is a problem, it will affect many. This trend should concern us all.

At the past meeting of OTP on the attempt of closing hydro dams is past I hope. Wish they would do a hydro project at Orwell Dam. The proposed Hoot Lake Solar Park, along with the current Hydro dams brings some decentralization to the system.

I even opposed the closing of the Hoot Lake Coal fired plant, even though I oppose coal in general. And of course my reason is decentralization.

A bit of History: I built my first mini solar panel in the 70's. Purchased a mini wind turbine, and own a solar panel at the solar Park at Lake Region Power headquarters in Pelican Rapids. I offered to place the Wind Turbine and solar project also for Lake Region (Now referred to at the Erhard Substation) on my farm. And would welcome a Solar installation on my property.

Would favor the OTP Solar Park. Assume that using the current Transmission stream from the Hoot Lake Plant makes sense. And would hope for more in other locations in the future.

David Lindig
Fergus Falls, Mn

From: "Ellen Anderson" <ellenhome1982@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/21/2020 06:41 PM
Subject: Hoot Lake Solar Field....

I am excited about this renewal energy coming to Fergus Falls! Thanks for your efforts in making this happen. You have my Support.

Ellen Anderson
218-205-9052

From: "Jake Krohn" <jakekrohn@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/21/2020 12:00 PM
Subject: Hoot Lake solar comment

Hello -

I would like to voice my support for the Hoot Lake Solar project. We face incredible challenges in dealing with climactic changes in the future, and I see this project as one small step towards dealing with those challenges in a responsible manner. Given the infrastructure already in place from the existing power plant and the need to replace lost property tax revenue for the city, I believe that this is an opportunity that should not be ignored. I trust that OTP and the various governmental agencies involved will work together to ensure that this project is done in a conscientious manner that is respectful to the land, animals, and neighbors involved.

Thank you,

Jake Krohn
815 S. Cascade Street

From: "Laurie Mullen" <lauriemullenmn@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/30/2020 08:24 PM
Subject:

I don't think it is the right location. It will landlock us.

From: "Michael J Van Valkenburg" <mvanv53@yahoo.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/23/2020 02:06 PM
Subject: Hoot Lake Solar

December 23, 2020

To whom it concerns:

I have lived just north of Fergus Falls for about 20 years and currently am the Medical Director for Ringdahl Ambulance services in Fergus Falls and Pelican Rapids. Prior to my retirement as an Emergency Physician, I worked at the Lake Region Hospital Emergency Department for 16 years.

I fully support the Ottertail Power Solar project for the following reasons.

1. It's the right thing to do. Our world needs to rapidly switch from carbon fuels to sustainable energy sources in order to prevent catastrophic climate change. I'm very pleased that our local power company is moving in that direction.
2. This is an economically smart plan for two reasons.
 - a. Building the solar project near the retiring coal plant will help replace some of the lost tax revenue for the city of Fergus Falls.
 - b. Building this project close to existing infrastructure, substations etc. will reduce the cost and therefore help keep future utility rates lower for all Ottertail Power customers.

This project is really exciting. It's both an economic and environmental positive for area residents. Please move to approve the project without delay.

Sincerely,

Michael Van Valkenburg M.D.
24605 E Rivers Bend Road
Fergus Falls, Mn 56537
mvanv53@yahoo.com

From: "Patrica Kingston" <pkingston@prtcl.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/30/2020 04:20 PM
Subject: Hoot Lake Solar Project

December 30, 2020

Dear Brian Yavarow and the Fergus Falls City Council,

My background: I am a retired periodontist, and I worked as an independent contractor at 5 different dental offices in Fergus Falls over the span of twenty years. My husband Tom and I now live on Wright Lake. I am in the AAUW, volunteer at the YMCA and am easing into retirement.

I completely support the Otter Tail Power Company's plan for the construction and operation of the Hoot Lake Solar Project, and I look forward to the day that all fossil fuel energy production has converted to renewable energy. With any luck, that day will arrive sooner than planned.

I reviewed the information from the OTP virtual open house on December 2, 2020 and the City of Fergus Falls public hearing on December 8, 2020. I agree with the plans.

Climate change is real and a threat to us, our children and the planet. There are solutions that can provide good jobs to society in addition to decreasing pollution.

We have visited our former exchange student in Denmark and our Swedish friends many times. These countries have embraced renewable energy; they sell their excess renewable energy and actually profit from their investment in these new technologies.

The U.S. and Fergus Falls can also profit and we should lead in the societal changes that are coming.

Sincerely yours,

Patricia Kingston, DDS, MS

From: "Patricia Lindholm" <pjlindholm@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/19/2020 07:29 AM
Subject: In support

I write in strong support of the Hoot Lake Solar project. I live on Wright Lake and will be happy to see the south side of the lake preserved for wild life and native vegetation. I am very concerned about climate change and we have no time to waste in repairing or mitigating the damage we have already seen to our planet.

Good for you, Otter Tail Power!

Dr. Patty Lindholm

From: "Roy Anderson" <randerson9331963@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/21/2020 07:46 AM
Subject: Solar Project in Fergus Falls

To: Otter Tail Power:

I am writing to voice my support for the solar project in Fergus Falls.

I see this as a step forward in meeting our energy needs as well as being good stewards of our lands.

I urge a careful process to ensure concerns are listened to, but trust the benefits of a cleaner energy source will outweigh those concerns.

Roy Anderson
Fergus Falls
218.205.8061

From: "Rud" <rud@prtel.com>
To: <HootLakeSolar@ci.fergus-falls.mn.us>
Cc: "Beth Monke" <dmonke@prtel.com>, <consumer.puc@state.mn.us>
Date: 12/27/2020 09:45 PM
Subject: Citizen Comments on Hoot Lake Solar Project

To Whom It May Concern December 27, 2020

I am a thirty-seven-year resident of Otter Tail County and a physician who retired in 2000. I continue to be active in Fergus Falls activities and want to see our city continue to grow and thrive.

Because of that I am very much in support of Otter Tail Power Company's Hoot Lake Solar Project.

With the closure of Hoot Lake (coal) Power Plant, there will be a significant loss of revenue to the city unless it can be replaced by something else.

Replacing the present plant with the Hoot Lake Solar Project will provide jobs, revenue, and hopefully assure that OTPC will continue to be a strong presence in Fergus Falls.

This company has a long history of being an excellent influence on our city. They have been a great resource to so many activities and businesses here. Their employees are contributing in so many ways to our schools, hospital, city government and other businesses, that go beyond their OTPC jobs.

Because OTPC will be able to utilize property that they already own, and can connect with existing infrastructure at the Hoot Lake Plant, it seems not only economical but very efficient to proceed as they have planned.

I feel Otter Tail Power Company has always been a good steward of their land and our community. I can't believe that this development would not take into careful consideration the esthetic impact on the city or their neighbors.

I strongly encourage you to approve the development of the Hoot Lake Solar Project. Thanks for allowing me to comment.

**Rud C. Wasson, M.D.
26284 190th St.
Fergus Falls, MN 56537
(218) 826-7376**

rud@prtel.com

From: "Scott Wagnild" <swagnild@gmail.com>
To: HootLakeSolar@ci.fergus-falls.mn.us
Date: 12/18/2020 09:59 PM
Subject:

This is a great step forward for Otter Tail Power. As a member of the Fergus Falls community, it makes me very proud to know that our local power company is investing in energy sources that both produce the energy we need, while also making a strong commitment to protecting our environment. Thank you Otter Tail Power!

From: <kingston@prtcl.com>
To: <HootLakeSolar@ci.fergus-falls.mn.us>
Date: 12/30/2020 03:30 PM
Subject: Hoot Lake Solar Project

December 30, 2020

Dear Brian Yavarow and the Fergus Falls City Council,

As a brief statement of my background, I offer the following. Starting in 1984, I was a business owner in Fergus Falls. My partner, Pat Hanley, and I built a wholesale distribution business that operated a series of warehouses, all located within Fergus Falls. We built these warehouses with Fergus Falls contractors and employed up to 30 Fergus Falls residents. Subsequently, I was the Finance Director at the former Fergus Falls Medical Group. Since 1990, I have resided in Fergus Falls, and owned several homes. We currently own and reside at 2614 Lakeview Drive, on Wright Lake one mile from the Hoot Lake Coal Power Plant. My intention is to show that we have invested in Fergus Falls and continue to make Fergus Falls our home.

I wholeheartedly support Otter Tail Power Company's plans for the construction and operation of the Hoot Lake Solar Project.

It is the responsibility of the folks who are here now to behave with stewardship for the future generations. One way to do this is through renewable energy. The Hoot Lake Solar Project will utilize existing infrastructure and keep power generation here in Fergus Falls long after the coal plant is retired. We have survived with polluting coal powered electric generation, but we will thrive with renewable solar powered electric generation. I have reviewed and fully support the information contained in Otter Tail Power's virtual open house presentation dated December 2, 2020, as well as the City of Fergus Falls public hearing dated December 8, 2020.

Thank you for your consideration.

Regards,
Tom Kingston

ATTACHMENT B: SUBSTANTIVE COMMENT RESPONSES

The following table provides responses to all substantive comments identified during the public comment period for the Hoot Lake Solar Project Environmental Assessment Worksheet (EAW). Each comment letter received and included in Attachment A was assigned a number. Comment letters were then analyzed, and substantive comments were identified and coded. The following table is organized by EAW item number, EAW topic, comment subtopic, substantive comment as submitted, comment letter ID, and response. The comment letter ID 's first number is the assigned comment letter and the second number is the substantive comment identified.

DRAFT

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
3	RGU	3rd Party	Having an independent consultant review the project and concerns would be in the best interest of the city. Please seriously consider hiring a consultant to protect the resources of the city and make sure you have done right by not only the existing residents but also future residents of Fergus Falls.	20-15	The City has secured additional 3rd party consultant review of the EAW, comments and responses, and ultimate recommendation to further support City staff.
3	RGU	RGU Determination	5) How can the city of Fergus Falls act as the RGU without established ordinances to protect their residents or experience for such a large-scale project?	23-5	<p>Minnesota Administrative Rules (Minnesota Rules) 4410.0500 identifies the process for RGU selection. It states that for mandatory categories (listed in part 4410.4300 or 4410.400), the governmental unit specified in those rules is the RGU unless the project will be carried out by a state agency, in which case that state agency is the RGU. Part 4410.4300 identifies the RGU for mandatory EAW categories. Specifically, Subpart 3 for electric generating facilities states, “[f]or construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 25 megawatts or more but less than 50 megawatts and for which an air permit from the PCA is not required, the local governmental unit is the RGU.”</p> <p>Fergus Falls was identified as the RGU because the City will have the most local oversight of the project through the issuance of permits. OTP intends to petition the City to annex the private property parcels they have acquired for the project. If the annexation is approved, the City would have jurisdiction over the project area.</p> <p>Fergus Falls and Otter Tail County staff discussed RGU status. The two jurisdictions determined that the City would have the greatest responsibility for approving the project. The County passed a resolution on September 22, 2020, in support of the City being the RGU.</p>
3	RGU	RGU Determination	Since the county has no land use zoning requirements for solar farms/this project, but that the two townships do - why were the townships left out of the determination/negotiations of who would be the RGU? Especially in light of the fact that one County Commissioner was referring individuals with permit questions to the townships and the fact that Buse Township has the largest	24-1	The intent of the EAW is to provide sufficient information on the potential for a project to result in significant environmental impacts and to inform future permitting decisions. The EAW process is not an approval for the project, but rather a thoughtful approach to gathering necessary information for future decision-making related to the issuance of permits or other authorizations.

EAW Item No.	EAW Subject	Comment Subtopic	Substantive Comments	Comment Letter ID	Response
			acreage impact? This seems contrary to EQB guidelines/directon on determining the RGU.		OTP intends to petition the City to annex the private property parcels they have acquired for the project. If the annexation is approved, the City would have jurisdiction over the entire project area. Therefore, Fergus Falls was identified as the RGU because the City would have the most local oversight of the project through the issuance of permits. Based on Minnesota Rules, Fergus Falls is unable to make decisions related to the annexation process until the Minnesota Environmental Policy Act process is complete.
3	RGU	RGU Role	Curious what role the city will play here in this development compared to OTP	25-1	The City's role in the development of the Hoot Lake Solar Project is in developing and issuing permits for the project's construction and operation pursuant to City ordinances and zoning requirements. The City also has the ability to inspect the project to ensure compliance with permit conditions and the stormwater management permit.
4	Reason for EAW	EIS	What are the criteria for deeming an EIS might be needed vs. just "rubber stamping" this EAW that OTP has provided so far, along with OTP's fairly aggressive timeline?	2-14	<p>The criteria for determining when an EIS is warranted or required are listed in Minnesota Rules 4410.1700 Subp. 7.</p> <p>Criteria.</p> <p>In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:</p> <ul style="list-style-type: none"> A. type, extent, and reversibility of environmental effects; B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project; C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
4	Reason for EAW	EIS	I believe an EIS is warranted in that an EIS would help develop the project in more detail and is a means to address many underlying issues.	20-2	The City will use the analysis in the EAW and apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7.
4	Reason for EAW	Minnesota Environmental Policy Act (MEPA)	The EAW is mandatory under MN Rules 4410.4300 Subp. 3 for electric-generating facilities. The Otter Tail Power EAW provided required information to the public about the project. However, I believe it is not clear how the project will protect the environment as set forth in Minnesota Rules 4410.	10-1	Through project design and description, and the analysis provided in the EAW, measures to protect the environment or reduce impacts on it are included. For example, setbacks established around all wetlands reduced the potential impacts on wetlands to 0.06 acre. Other example measures include wildlife-friendly fencing, anti-reflective coatings on panels, coordination with the US Fish and Wildlife Service (USFWS) on eagle nest removal, and timing of tree removal to protect threatened and endangered species and migratory birds. The EAW also provides a list of the necessary permits, such as a stormwater construction permit, shoreland conditional use permit, and building permit, that may be used to identify additional protective/mitigative measures to be included in those project permits.
4	Reason for EAW	MEPA	<p>Potential Environmental Impacts Not Identified: Socio Economic Impact</p> <p>Possible Mitigation: An EIS should be conducted to study the socio economic impact to homes surrounded by, and adjacent to, the solar farm. A financial compensation plan should be required by the RGU for impacted homeowners and that plan should not be contingent on OTP getting a solar easement in return. A forensic appraiser and local realtor stated depreciation will be significant. OTP has also acknowledged depreciation, but repeatedly asserted that they are under no legal obligation to compensate homeowners for depreciation and that financial compensation will be provided strictly out of their desire to be "good neighbors." We have sought legal consultation on this issue, and all voices have disagreed with OTP's assessment. However, they have unanimously concurred</p>	13-5	<p>The City will use the analysis in the EAW and will apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7. The EAW analysis considers only environmental impacts. If through the EAW process, the RGU determines that an EIS is warranted because the impacts on the environment would be significant, then an EIS would be prepared that also evaluates the economic, employment, and sociological impacts.</p> <p>OTP continues to discuss property valuation concerns with neighbors related to the proposed project and is striving to have arrangements/agreements in place with all directly neighboring homeowners.</p>

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
			<p>that a homeowner does not have the financial means to bring justice to a large corporation such as OTP, as their lawyers will bury homeowners in paperwork and run them out of money. They said the best option is for the RGU to require adequate financial compensation to adjacent homeowners prior to the solar farm being constructed.</p> <p>(Note: OTP has stated they intend to work with homeowners on an individual bases. In a public meeting, on Dec. 2, 2020, OTP stated that other projects this size would cost 120 million to build. The Hoot Lake Solar project is going to cost them \$60 million. In that context, they said this location is saving them approximately \$10 million. In a verbal offer presented to us on Dec. 22, 2020, OTP offered us only 27% of what a professional forensic appraiser calculated our anticipated depreciation to be, and there are strings attached. In return, OTP wants a solar easement across our property which would prevent homeowners from having trees, or constructing new buildings, that would cast shade on the solar panels. If OTP compensated us for the full amount of our calculated depreciation, it would only be 1.8% of the 10 million they are saving by building in this location. OTP told us there are eight homes they consider to be financially damaged by the solar farm. If that is true, then fully compensating all homeowners for depreciation is insignificant compared to what they are saving. Yet, OTP’s desire to subsidize this project on the backs of adjacent homeowners, and further benefit their position with solar easements, makes it a necessity that the RGU has this project thoroughly studied through an EIS and develops a financial compensation</p>		

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			plans for impacted properties based on professional appraisals and professional devaluations performed by		
4	Reason for EAW	MEPA	What is the economic impact of this project? An EIS would begin to answer that question. The economic impact to more than just the property taxes to be recouped by this project compared to the Hoot Lake Coal Plant. What about the profits for OTP? They are a large corporation which looks to making returns for its shareholders. They are not responsible to use this project to reduce rates of their consumers.	20-14	The City will use the analysis in the EAW and will apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7. The EAW analysis considers only environmental impacts. If through the EAW process, the RGU determines that an EIS is warranted because the impacts on the environment would be significant, then an EIS would be prepared that also evaluates the economic, employment, and sociological impacts.
4	Reason for EAW	NS	According to Minnesota law, the responsible governmental unit (RGU) must obtain from the project proposer all information necessary to review, modify, and make a decision. As RGU, the City of Fergus Falls could determine the need for an Environmental Impact Statement (EIS) based on comments received during the EAW comment period or additional information received or determined. It is my hope that the City will consider all comments within the allowed 30 days prior to the final decision	7-5	The City will use the analysis in the EAW and will apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7. The EAW analysis considers only environmental impacts. If through the EAW process, the RGU determines that an EIS is warranted because the impacts on the environment would be significant, then an EIS would be prepared that also evaluates the economic, employment, and sociological impacts.
4	Reason for EAW	Threshold	However, your plans for the solar project with 49.9 Megawatts is an obvious attempt to avoid any oversight by the Public Utilities Commission. It is necessary for the health and well-being of those possibly affected by your decisions to have sufficient county, city, or township ordinances to protect neighboring residents. Please don't take chances on our health and please don't make decisions that affect our property values.	5-1	From the standpoint of MEPA, project thresholds for mandatory EAW or EIS categories are established to provide instruction on the typical level of analysis required by certain types of projects. Typically, it is based on past experience with similar projects and associated impacts. Other projects that require mandatory EAWs include construction of certain residential developments, expansion of existing petroleum facilities, new transmission lines and pipelines, and expansion of municipal wastewater systems. However, if through the EAW process, the RGU determines that the preparation of an EIS is warranted, the RGU can prepare an EIS and use the EAW to focus on potentially significant impacts. MEPA is a process that the RGU is implementing as required by the Minnesota Rules.

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					<p>The interconnection at the Hoot Lake substation can accommodate up to 144 MW, but because of land requirements and needed transmission line to reach the interconnection, a larger project became too costly and didn't make sense for OTP customers. Solar projects that are 50 MW or larger do require Certificate of Need approval and a Site Permit from the Minnesota Public Utilities Commission (MPUC), and based on a review of other Minnesota solar projects larger than 50 MW, an Environmental Assessment similar to the Hoot Lake Solar Project's assessment would be conducted by the Minnesota Department of Commerce. Thus, a project of 50 MW or more would need to conduct a similar environmental review but would result in less local control and longer implementation timelines.</p> <p>Based on OTP's projections around customer energy needs now and into the future, a project over 50 MW wasn't prudent. To be clear, the MPUC is aware of OTP's plans because it oversees the solar energy obligations and overall resource planning. In fact, in December 2019, OTP was ordered by the MPUC to initiate a process to procure 30 MW or more of solar capacity. Additionally, the City of Fergus Falls has initiated a process to update its solar energy systems ordinance. In addition to public review, the City ordinance updates will include input from the City Planning Commission and Natural Resources Advisory Committee.</p>
4	Reason for EAW	Threshold	Involve the Public Utilities Commission and keep this ethically above board and in alignment with best practices. The RGU does not have enough experience or knowledge of a large-scale solar farm to properly protect us	5-2	See response to comment letter ID 5-1 in the previous table row.
4	Reason for EAW	Threshold	1) At 49.9 megawatts how can the perception be anything other than sketchy that OTP is .1 below requiring Federal oversight? Wouldn't it be wise for the city to request such oversight even if not required?	23-1	From the standpoint of MEPA, project thresholds for mandatory EAW or EIS categories are established to provide instruction on the typical level of analysis required by certain types of projects. Typically, it is based on past experience with similar projects and associated impacts. Other projects that require mandatory EAWs include construction of certain residential developments, expansion of existing petroleum facilities, new transmission lines and pipelines, and expansion of municipal wastewater systems. However, if through the EAW process, the RGU determines that the preparation of an EIS is warranted, the RGU can prepare an EIS and use the EAW to focus on potentially

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					<p>significant impacts. MEPA is a process that the RGU is implementing as required by the Minnesota Rules.</p> <p>In Minnesota, large electric energy development is regulated by the MPUC. Minnesota Statutes Section 216E.01 defines a large electric power generating plant as one that produces 50 MW or more. Plants under this 50 MW capacity are regulated at the local level. The federal government’s jurisdiction is limited to the need to acquire a permit required by a federal law. See EAW Item #8 for a list of potential federal involvement. The proposed project has been designed to limit the potential impacts on resources that may trigger federal permitting.</p> <p>The interconnection at the Hoot Lake substation can accommodate up to 144 MW, but because of land requirements and needed transmission line to reach the interconnection, a larger project became too costly and didn’t make sense for OTP customers. Solar projects that are 50 MW or larger do require Certificate of Need approval and a Site Permit from the MPUC, and based on a review of other Minnesota solar projects larger than 50 MW, an Environmental Assessment similar to the Hoot Lake Solar Project’s assessment would be conducted by the Minnesota Department of Commerce. Thus, a project of 50 MW or more would need to conduct a similar environmental review but would result in less local control and longer implementation timelines.</p> <p>Based on OTP’s projections around customer energy needs now and into the future, a project over 50 MW wasn’t prudent. To be clear, the MPUC is aware of OTP’s plans because it oversees the solar energy obligations and overall resource planning. In fact, in December 2019, OTP was ordered by the MPUC to initiate a process to procure 30 MW or more of solar capacity. Additionally, the City of Fergus Falls has initiated a process to update its solar energy systems ordinance. In addition to public review, the City ordinance updates will include input from the City Planning Commission and Natural Resources Advisory Committee.</p>
4	Reason for EAW	Threshold	OTP is clearly avoiding PUC regulations by staying under 50 MW	4-20	From the standpoint of MEPA, project thresholds for mandatory EAW or EIS categories are established to provide instruction on the typical level of analysis required by certain types of projects. Typically, it is based on past experience with similar projects and

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					<p>associated impacts. Other projects that require mandatory EAWs include construction of certain residential developments, expansion of existing petroleum facilities, new transmission lines and pipelines, and expansion of municipal wastewater systems. However, if through the EAW process, the RGU determines that the preparation of an EIS is warranted, the RGU can prepare an EIS and use the EAW to focus on potentially significant impacts. MEPA is a process that the RGU is implementing as required by the Minnesota Rules.</p> <p>The interconnection at the Hoot Lake substation can accommodate up to 144 MW, but because of land requirements and needed transmission line to reach the interconnection, a larger project became too costly and didn't make sense for OTP customers. Solar projects that are 50 MW or larger do require Certificate of Need approval and a Site Permit from the MPUC, and based on a review of other Minnesota solar projects larger than 50 MW, an Environmental Assessment similar to the Hoot Lake Solar Project's assessment would be conducted by the Minnesota Department of Commerce. Thus, a project of 50 MW or more would need to conduct a similar environmental review but would result in less local control and longer implementation timelines.</p> <p>Based on OTP's projections around customer energy needs now and into the future, a project over 50 MW wasn't prudent. To be clear, the MPUC is aware of OTP's plans because it oversees the solar energy obligations and overall resource planning. In fact, in December 2019, OTP was ordered by the MPUC to initiate a process to procure 30 MW or more of solar capacity. Additionally, the City of Fergus Falls has initiated a process to update its solar energy systems ordinance. In addition to public review, the City ordinance updates will include input from the City Planning Commission and Natural Resources Advisory Committee.</p>
5	Project Location	Watershed	Please note that the major watershed is the Otter Tail River Watershed (HUC8 #09020103), not the Red River of the North Basin.	16-1	Thank you for your comment. The correct information can be found in the Findings of Fact document.

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6	Project Description	Alternatives	OTP does have other sites in their territory that have interconnections they could tie into that wouldn't disrupt residential areas as this would	4-19	While OTP does have other sites where interconnection can take place, a significant value for OTP customers is the ability to use the soon-to-be-retired Hoot Lake coal plant's interconnection and existing substation.
6	Project Description	Alternatives	Wouldn't it make more sense to offer incentives to the Otter Tail Power Company customers, to install private solar panels and sell back excess electricity? I see there are some incentives for commercial but I couldn't find any rebates or incentives for private home owners.	11-4	OTP has tariffed rates specific to customer-owned generation. The process is described more fully at the following link: https://www.otpco.com/help-center/how-to-connect-to-our-power-grid/minnesota-interconnection/ .
6	Project Description	Alternatives	1. Why isn't OTPC including the big mowed field on the hill north of the Hoot Lake power plant on the project area map?	15-1	There are two fields this comment may be referring to. There is a mowed field northwest of Hoot Lake Plant, which is not under OTP ownership. There is also a mowed area northeast of Hoot Lake Plant owned by OTP. The former area is not included in the project due to lack of ownership. The latter area is not included because of its current use as lineman training grounds.
6	Project Description	Alternatives	I also don't think it would be a bad idea to get a second option for location. As a GIS technician & geographer I am aware of the spatial requirements for a solar farm. And though this is definitely the cheapest location for OTP, I feel other locations can be looked at. I am not sure if it is too late to change the location, so if not, I would definitely hope trees, bushes, etc be planted to shield homes and 1-mile trail be protected from view.	19-2	The interconnection at the Hoot Lake substation can accommodate up to 144 MW, but because of land requirements and needed transmission line to reach the interconnection, a larger project became too costly. During initial project design, OTP considered other locations; however, the current proposed location was the least-cost option for OTP customers. During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.
6	Project Description	Alternatives	4) Looking at the project map, why wouldn't the most NW section be moved to the center north open area by the ash site? This would create a beneficial buffer for all Gutenberg property owners and possibly reduce or eliminate the enormous property value declines for these residents.	23-4	The center north open area is the location of the Hoot Lake Plant ash landfill. While installing solar panels on top of closed landfills can be economically achieved in some circumstances, several factors must be considered. The Hoot Lake Plant ash landfill is not an attractive candidate for solar installations based on slope steepness, final cover cap design, and long-term maintenance obligations required by OTP's solid waste permit.
6	Project Description	Annexation	Will the homes inside the site area be annexed into the City	4-12	OTP intends to petition the City to annex the private property parcels they have acquired for the project. Other home and landowners in the area of the project would not be

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					included in this petition, but would reserve the right to petition for annexation if they desire. The City has committed to annexing only those interested at this time. None of these homes are landlocked, and their driveway access remains unaffected.
6	Project Description	Decommissioning	Will there be a decommissioning plan established prior to the start of the project	4-10	OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP's 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that deprecation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.
6	Project Description	Decommissioning	Although any solar energy project can have a useful life of 25 years or more, it is important that the community understand the risks involved in decommissioning the project. The City of Fergus Falls should require a physical plan for decommissioning including how costs will be handled. Decommissioning, salvage value, and land restoration costs should be included in the decommissioning cost calculation and prepared by a licensed engineer. Those costs should not be borne by the City nor the consumer. A letter of credit or other security instrument should be included and updated every five years. I would like to be assured that OTPCO will implement reasonable risk mitigation to protect the community and the environment for future generations.	7-4	OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP's 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that deprecation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP believes a letter of credit or security instrument is unnecessary; however, OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.
6	Project Description	Decommissioning	6. For the best possible sustainability, require OTPC to create and maintain a regularly researched and updated	15-8	OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP's 2023 5-year depreciation filing with the MPUC. The decommissioning study results would

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			plan for repurposing and recycling the solar panels when they reach their expected life span of 35 years.		ideally be incorporated into that depreciation filings. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.
6	Project Description	Disposal	What will OTP do with the solar panels once the federal and state tax incentives expire	4-9	OTP anticipates using the solar facilities for their full useful life. Any tax benefits OTP receives are passed on to customers in the rate-making process.
6	Project Description	Disposal	What is the life span of the solar panels? Are they manufactured in the United States? What happens to the panels if they are damaged? Do they end up in a land fill?	11-3	OTP anticipates a useful life of 35 years for the solar facilities. OTP has obtained a portion of the project's solar panels, which were manufactured in Thailand. The remainder of the panels have not been procured at this time. Solar panels that have reached their life expectancy or that have been damaged beyond repair will be removed and properly disposed or recycled to the extent practicable.
6	Project Description	Disposal	2) With average solar panel life expectancy of 25 years and improved methods to manufacture creating basically no means or reason to recycle components, which landfill will these 150,000 panels begin to fill at that time?	23-2	OTP anticipates a useful life of 35 years for the solar facilities. Solar panels that have reached their life expectancy or that have been damaged beyond repair will be removed and properly disposed or recycled to the extent practicable.
6	Project Description	EMC	<p>Potential Environmental Impacts Not Identified: Electromagnetic Compatibility (EMC) Study</p> <p>Possible Mitigation: An Electromagnetic Compatibility (EMC) study should be done to assess whether an electromagnetic impact is likely to occur. The solar farm should be designed to prevent any stray voltage from affecting adjacent properties or causing interference with the operation of electrical appliances or electronic equipment on adjacent properties. In the event such disturbances occur, or are alleged to occur, such disturbances should be required to be mitigated to the satisfaction of the RGU. Given the close proximity of</p>	13-26	<p>The solar project is not expected to cause electrical interference from electrical and magnetic fields on nearby residences. OTP intends to design, construct, and operate the electrical systems of the proposed solar project using standard industry practice to reduce electrical noise.</p> <p>A 2015 study conducted by the Department of the Navy analyzed the potential for electromagnetic interference (EMI) impacts on naval airfield electronics from siting photovoltaic systems nearby. The Department of Energy National Renewable Energy Laboratory conducted the assessment. They found that the inverters, which could be a source of EMI, "are inherently low-frequency devices that are not prone to radiating EMI." To further reduce the potential for EMI, the Navy requires a 250-foot setback of inverters from communication equipment. See NAVFAC EXWC, 2015, Renewable Energy,</p>

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			inverters to numerous residential dwellings, this could be a source of significant impact. (Reference: www.pagerpower.com/news/solar-farms-electromagnetic-interference-emi/)		Photovoltaic Systems Near Airfields: Electromagnetic Interference, https://www.nrel.gov/docs/fy15osti/63310.pdf None of the inverters would be sited within 250 feet of any residence. Therefore, no impacts from EMI are expected. OTP does not expect impacts on cable TV, cable internet, satellite, and cell service from this solar project.
6	Project Description	Good Neighbor	As a sign of good faith - OTP should adopt neighbor friendly provisions of the best practices ordinances that would be required if the project was over 50 MW as other MN companies have done	4-21	As detailed throughout the EAW, OTP intends to incorporate good neighbor and environmentally friendly practices in the project design. Although every project is unique, we believe these practices are consistent with other large-scale Minnesota solar projects.
6	Project Description	Grading	<ul style="list-style-type: none"> All grading should be designed to divert or capture runoff from panels and associated infrastructure, preventing runoff into aquatic environments unfiltered. 	6-8	As discussed in EAW Item #11.b.ii, OTP will obtain a construction stormwater permit under the National Pollutant Discharge Elimination System (NPDES) program and will develop a Stormwater Pollution Prevention Plan (SWPPP) before starting construction. The project will adhere to the SWPPP, including the implementation of erosion and sediment control best management practices, to prevent stormwater runoff during construction of the project. OTP will implement erosion control and soil stabilization practices, including establishing vegetation across the solar project, to prevent and control stormwater runoff during operation.
6	Project Description	Grading	<p>Environmental Impacts Identified, but Not Adequately Addressed: Grading</p> <p>Possible Mitigation: A contour map before and after grading should be required in the EIS and presented to the RGU for comment and approval or denial.</p>	13-11	Please refer to EAW Item #10, which discusses the land and soil disturbance. OTP has developed a conceptual project design that seeks to minimize the need for site grading. Grading will occur in some areas to lessen slope steepness to accommodate the acceptable slope requirements of the solar array and associated equipment. The City will review the final proposed site plan as part of the building permit process. However, OTP will develop a SWPPP that will describe the erosion control measures and revegetation plan for disturbed soils to minimize effects from grading and erosion. OTP will need to

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					adhere to the SWPPP and obtain a construction stormwater permit from the Minnesota Pollution Control Agency (MPCA).
6	Project Description	Level of Detail	There seems to be many "unknowns" with this project and they'll "decide details when they get further into the project". I can understand that to a certain extent, but when they are surrounding entire plats of land, I think people deserve the courtesy of knowing the details: OTP doesn't know what kind of fence they'll use??	2-5	The range of expected and potential environmental impacts is identified and discussed in the EAW. At this point in the project development, OTP has developed a conceptual project design and a set of project specifications that support the identification of the environmental impacts outlined in the EAW. OTP has specified the design requirements for fencing, but has not yet selected a specific fence vendor, type, or model. The EAW process affords an opportunity for OTP to receive feedback from stakeholders prior to deciding many of the unknowns in order to incorporate that feedback into the final decision making.
6	Project Description	Level of Detail	OTP doesn't know exactly how much grading of the land will be necessary??	2-6	Please refer to EAW Item #10, which discusses the land and soil disturbance. OTP has developed a conceptual project design that seeks to minimize the need for site grading. Grading will occur in some areas to lessen slope steepness to accommodate the acceptable slope requirements of the solar array and associated equipment. The precise amount of grading required won't be determined until contractor selection occurs and the final layout design is complete.
6	Project Description	Level of Detail	Potential Environmental Impacts Not Identified: Access Road Location Possible Mitigation: Require a map with the location of access roads in an EIS and part of the application for a Conditional Use Permit.	13-18	Please refer to EAW Item #18, which discusses site access and traffic-related impacts. OTP has estimated daily traffic impacts and identified preferred construction access routes. The proposed site access points from Highway 210 and Main Street are illustrated in EAW Figure 3. The final project plans and specifications will consist of a designated haul route for the contractor to adhere to. Haul routes will be monitored during the duration of the project.
6	Project Description	Level of Detail	Employees responded to a number of concerns about grading, and impact that OTP was not far enough along in the design of the project to know how much grading would have to be done. This, in my view contradicts the EAW which states that there will be little or no impact after construction of the wetlands and erosion. Yet if they have not gotten far enough along in the project to know how	20-1	Please refer to EAW Item #10, which discusses the land and soil disturbance. OTP has developed a conceptual project design that seeks to minimize the need for site grading. Grading will occur in some areas to lessen slope steepness to accommodate the acceptable slope requirements of the solar array and associated equipment. Please refer to EAW Item #11.b.iv, which discusses surface water. OTP has developed a conceptual project design that minimizes the permanent wetland impacts.

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			much grading (moving earth) they will need how can they make those statements?		<p>As discussed in EAW Item #11.b.ii, OTP will implement erosion control and soil stabilization practices, including establishing vegetation across the solar project, to prevent and control stormwater runoff during operation.</p> <p>The City will review the final proposed site plan as part of the building permit process. However, OTP will develop a SWPPP that will describe the erosion control measures and revegetation plan for disturbed soils to minimize effects from grading and erosion. OTP will need to adhere to the SWPPP and obtain a construction stormwater permit from the MPCA.</p>
6	Project Description	Level of Detail	The details I mentioned may not be exact; but how is any one to know the specifics due to there being very minimal information for the public. How will this impact Fergus Falls? What are the potentials benefits/pros? And what are the potential risks/cons?	21-4	The range of expected and potential environmental impacts is identified and discussed in the EAW. At this point in the project development, OTP has developed a conceptual project design and a set of project specifications that support the identification of the environmental impacts outlined in the EAW.
6	Project Description	Maintenance	<p>Potential Environmental Impacts Not Identified: Solar Panel Maintenance Plan</p> <p>Possible Mitigation: OTP’s plan to remove and repair damaged solar panels, including a time limit for repair and commitment that the ground will remain free of debris. Solar panels often contain lead, cadmium and other toxic chemicals. OTP has said these will be bi- facial panels, which increases the amount of chemicals (150,000 panels x2 sides) and potential for damage. The RGU should also be allowed access to the solar farm to inspect solar panels if there are concerns the maintenance plan is not being met.</p>	13-20	<p>OTP plans to develop operations and maintenance procedures for the solar project that adhere to their overall goals to supply safe, reliable, and economical electric services to their customers and that are consistent with best utility industry practices. Solar panels do contain metals and chemicals that are encapsulated to eliminate leaching during operation. Heavily damaged panels subject to rains could leach these constituents into the soil. It is highly unlikely that any leaching would affect water resources. A recent study examining pathways associated with heavy metal leaching from discarded solar panels indicated that the primary pathway was through soil/skin interaction and soil ingestion. OTP will apply for all necessary permits for the construction and operation of the solar facility and will meet any permit-specific conditions or requirements, including the proper disposal of damaged equipment. Solar panels that have been damaged beyond repair will be removed and properly disposed (including within regulated, lined landfills) or recycled to the extent practicable.</p> <p>If the private property parcels OTP has acquired for the project are ultimately annexed into City limits, OTP will seek permits from the City for construction of the project. Those permits are expected to include conditions that OTP will need to meet to comply with the</p>

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					<p>permits. The City would be able to access the property during construction to determine if conditions are being met.</p> <p>Once in operation, the City would have authority to inspect the property if it is determined that OTP is not meeting the City's codes and ordinances.</p>
6	Project Description	Maintenance	I also am quite concerned with the upkeep of this solar project. Solar panels have a limited lifespan. Are they contractually committing to the upkeep and maintenance of this project?	22-4	<p>OTP is committed to providing electric services that are safe, reliable, and economical. OTP intends to maintain this solar project so that its customers continue to receive reliable and cost-effective electric services.</p> <p>Furthermore, OTP plans to develop operations and maintenance procedures for the solar project that adhere to its overall goals to supply safe, reliable, and economical electric services to their customers and that are consistent with best utility industry practices.</p>
6	Project Description	Maintenance	Are they planning to repair the damage if they no longer find it profitable?	22-5	<p>OTP anticipates using the solar facilities for their full useful life. Operation of the facility will include a maintenance program to address damaged panels. At the end of its useful life, the facility will be decommissioned. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.</p>
6	Project Description	Planning	I would like us to see how long this project has been planned for and to demand that more thorough planning be done for everyone's benefit .Including the economic cost benefit to OTP	20-13	<p>OTP's resource plan has included a generic solar facility as indicated in its preferred plan approved by the MPUC in 2017. This specific site was contemplated in late 2019 after the Federal Energy Regulatory Commission approved Midcontinent Independent System Operator's interconnection process that allowed for OTP to potentially reuse the existing coal plant interconnection facilities upon retirement of the existing facility.</p> <p>Prior to initiating the MEPA EAW process, OTP researched the area and developed baseline understandings of the potential environment impacts, which were used to direct its project design and layout.</p> <p>The City will use the analysis in the EAW and will apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7. The EAW analysis considers only environmental impacts. If through the EAW process, the RGU</p>

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					determines that an EIS is warranted because the impacts on the environment would be significant, then an EIS would be prepared that also evaluates the economic, employment, and sociological impacts.
6	Project Description	Property Value	How will OTP reimburse homeowners for property devaluation	4-11	OTP continues to discuss property valuation concerns with neighbors related to the proposed project and is striving to have arrangements/agreements in place with all directly neighboring homeowners.
6	Project Description	Public Outreach	My recommendations in no particular order: 1. Provide public tours of the finished facility for residents and visitors to help educate others about solar energy.	15-3	OTP currently provides tours of any company electric generation sites as requested and appropriate. OTP does plan to provide public tours upon project completion (via an open house or other commemoration). OTP also will continue to seek opportunities for collaboration with local schools and organizations to provide education around solar energy, other generation resources, and energy conservation.
6	Project Description	Public Outreach	2. Partner with local school districts to provide educational experiences so area students have the opportunity to learn about solar energy.	15-4	OTP will continue to seek opportunities for collaboration with local schools and organizations to provide education and/or volunteer opportunities.
6	Project Description	Public Outreach	5. To save on landfill space, require Otter Tail Power Company to repurpose and recycle as much of the Hoot Lake Power Plant as possible upon decommissioning it.	15-7	The retirement and decommissioning of the Hoot Lake Power Plant is outside the scope of the EAW. However, OTP will decommission the plant according to an MPUC-approved plan. A significant value for OTP customers is the ability to reuse/repurpose the soon-to-be-retired Hoot Lake coal plant's interconnection and existing substation.
6	Project Description	Public Outreach	7. Involve local students in assisting in planting native prairie seeds and plants on the site.	15-9	OTP will continue to seek opportunities for collaboration with local schools and organizations to provide education and/or volunteer opportunities.
6	Project Description	Public Outreach	9. Provide signage near the Otter Tail River identifying the site and inviting canoeists and kayakers to land their crafts, stretch their legs, and learn more.	15-11	Thank you for your comment. OTP seeks opportunities for collaboration with local organizations to provide education opportunities. However, the project will not be visible from the Otter Tail River and will be fenced for security purposes.
6	Project Description	Public Outreach	There appears to be lack of transparency coming from Ottetail Power (OTP) and from the City of Fergus Falls. I was disappointed not to get a response from the Fergus	21-5	There may be a misconception about where this project is currently at in the development process. The EAW is meant be prepared as early as practicable in the project development process. The EAW is not meant to approve or deny a project, but

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			Falls Planning Commission. Even more concerning was the lack of knowledge city council members had. How can a project of this magnitude be put into motion without the planning commission or city council? When asked, I was told this property is outside city limits so the townships would need to be contacted. I am aware the City is the RGU, however the townships were not notified regarding any of this from either OTP or the city; this again goes back to transparency.		<p>instead to act as a source of information to guide other approvals and permitting decisions. Further, the Minnesota Environmental Quality Board describes the EAW as a “brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed action.” In addition to the legal purpose of the EAW in determining the need for an EIS, the EAW also provides permit information, informs the public about the project, and helps identify ways to protect the environment.</p> <p>OTP has made every effort to be as transparent as possible about the project and has led several public meetings outside of the EAW process to provide information and answer questions. For example, two neighborhood meetings were held on November 24, a community virtual open-house meeting was held on December 2, OTP presented at the Aurdal Township meeting on December 17, OTP again presented at the Otter Tail County Public Works Committee meeting on January 7, and OTP attended the January 12 Buse Township meeting. OTP intends to continue having conversations throughout the community when there is new information to share and/or opportunities for input on project design.</p> <p>In some limited cases, it is not appropriate for OTP to share information because of competitive bidding impact and privacy considerations.</p>
6	Project Description	Safety	Will there be any fire concerns for the Fire Department	4-4	Solar photovoltaic projects have an inherent fire safety hazard due to the energized low- and medium-voltage electrical equipment. OTP has developed a conceptual project design and set of project specifications that seeks to meet the local codes and local fire department requirements, including properly sized and gated access points to the project and internal road turnarounds properly sized for fire department vehicles. OTP plans to develop and maintain site safety and emergency preparedness procedures that will direct emergency first responders how to keep personnel safe and properly respond to a hazardous or fire event that occurs on the project site. These plans will be communicated to the local law enforcement and fire departments.
6	Project Description	Security	2. What is the purpose of the fence? Is it really necessary? Seems like a lot of fence. Why not let wildlife continue to	15-2	A fence surrounding the site is for the purpose of public safety and is required to protect the site from unauthorized access. During operation, the site will contain electrically energized equipment that could be dangerous for the general public. Wildlife species that

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			use the area? Or is it to keep people out and if so, why? Is it unsafe?		are able to clear or bypass the fence will be able to access the site. OTP plans to work with the Fergus Falls Fish & Game Club to explore fence passage options that may allow smaller species movement through the area.
6	Project Description	Security	8. Provide a self guided walking or hiking trail open to the public year round on site with interpretive signage about the site. Perhaps link it to the North Country National Scenic Trail which runs nearby at One Mile Lake Prairie.	15-10	<p>During operation, the privately owned site will contain electrically energized equipment that could be dangerous to the general public. Unaccompanied public access would be restricted to promote public safety.</p> <p>OTP currently provides tours of any company electric generation sites as requested and appropriate. OTP does plan to provide public tours upon project completion (via an open house or other commemoration). OTP also will continue to seek opportunities for collaboration with local schools and organizations to provide education around solar energy, other generation resources, and energy conservation.</p>
6	Project Description	Security	<p>Concern 1 Pg. 3: "The entire project site would be surrounded by a security fence. If chain link, woven wire, or deer fencing is used, the fencing will be approximately 8 feet tall with access limited through security gates." -This "security fence" is aesthetically displeasing—its ugly. No one wants to look at this. This fence would be visible from highway 210 and from east main street. How many people travel these roads per day? Is that what we want people to think of when they drive into Fergus Falls? - This allows no animal passage for large game. Large game travelling south or north would need to travel to the east or west in order to do so. This barrier to normal travel has a host of effects including eating, sleeping habits, and possible reproduction. This would also force an influx of animals into crossing area which I would assume would impact vehicle travel and possibly lead to increased accidents and mortality. The possible increase in motor vehicle accidents was not addressed in the EAW.</p>	21-9	<p>A fence surrounding the site is for the purpose of public safety and is required to protect the site from unauthorized access. During operation, the site will contain electrically energized equipment that could be dangerous for the general public.</p> <p>Based on a review of Minnesota Department of Natural Resources (DNR) guidance, and federal and state energy development and reliability requirements, OTP is currently planning to install a woven wire fence with three smooth wires angled out across the top. This will maximize security while reducing the visual impacts of a chain link fence and barbed wire.</p> <p>Wildlife species that are able to clear or bypass the fence will be able to access the site. Large wildlife like white-tailed deer will likely be deterred from these areas based on the height of the fence. Although species like deer would be diverted around the property, the fence setback of the property, adjacent undeveloped lands, and OTP's intent to plant areas of native habitat could limit the extent of this impact. Based on these available corridors and adjacent habitat, the prospect of increasing wildlife road crossing mortality is unlikely. Any wildlife mortality that occurs would not be significant in relation to the local population.</p>

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			<p>-This “security fence” in conjunction with the whole project is bound to decrease property values of neighboring homes and developments. The EAW did not address this.</p>		<p>The EAW focuses on the potential for significant environmental impacts and does not consider socioeconomic issues.</p>
6	Project Description	Setbacks	<p>Potential Environmental Impacts Not Identified: Setback from Roadway</p> <p>Environmental Impacts Identified, but Not Adequately Addressed: Setback from Adjacent Properties</p> <p>Possible Mitigation: The EAW setbacks are not adequate to minimize impact to adjacent properties and roadways. EAW, p. 8, 30’ for front yard, 10’ side yards, 40’ outside of city limits. Setbacks from roadways is not addressed in the EAW and this project will border a significant stretch of HWY 210 and Main St.</p> <p>Mitigation should include: 1) An EIS to further study the impact; and 2) the City of Fergus Falls’ solar ordinance should be revised to align with Aurdal Township’s new solar ordinance, which will include 300’ from residential dwellings, 150’ from property lines, and 130’ from the center line of any road.</p>	13-6	<p>The current setbacks described in the EAW would meet the zoning requirements of the City. OTP will adjust its setbacks as necessary to adhere to City zoning requirements.</p> <p>The setback from the road is considered the front yard (30-foot) setback described in the EAW.</p> <p>The comment is unclear as to the type of environmental impact that would result from not adhering to City setbacks such that an EIS would be warranted. OTP plans to work with adjacent landowners on ways to screen adjacent property to reduce visual impacts.</p> <p>As described above, OTP intends to petition for their property to be annexed by the City. If annexation is approved, the proposed project would adhere to City setback requirements.</p>
6	Project Description	Size	<p>The size of the project and associated costs. The Project is Much Bigger Than Necessary The proposed project size of 49.9 MW is much larger than would be needed for OTP to satisfy Minnesota’s Solar Energy Standard (SES), a state law which requires the utility to generate 1.5 percent of its electricity from solar energy. Using the standard amount</p>	9-1	<p>OTP, as ordered by the MPUC in December 2019, conducted a “competitive bidding process to procure approximately 30 MW or more of installed solar capacity.” The proposed 49.9 MW Hoot Lake Solar Project was the least-cost alternative when factoring in a reasonable upper boundary on what OTP could add to its system. Smaller projects</p>

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			<p>of electricity generated from solar panels at other locations in Minnesota, which is about 18 percent of their potential output, or capacity factor, this project would need to be approximately 25 MW to meet the standard. In emails between OTP representatives and myself, the company stated that they believe the project will achieve a capacity factor of 24 percent, which means the installation would only need to be 19 MW to meet the SES. As a result, the proposed project is 62 percent larger than it would need to be to satisfy these state mandates. The state’s goal of having 10 percent of sales come from solar by 2030 is a non-binding goal, and not a mandate, which means the extra panels will not be required by law. Extra Panels Mean Extra Costs for Consumers Allowing OTP to build a solar facility that is larger-than-needed to meet the state solar energy mandate will increase the cost of electricity for all OTP customers, which is effectively a tax on their quality of life. Prices will rise because OTP is not truly a private company, they are a government-approved monopoly utility that is guaranteed to make a government-approved profit (or rate of return), when they build new things like solar panels, wind turbines, or natural gas plants in South Dakota. Because they are a government approved monopoly operating under this incentive structure, spending extra money to build a solar facility that is larger than necessary will lead to unnecessary cost increases for families, businesses, and government entities in OTP’s service territory. This means hospitals, schools, nursing homes, police departments, and churches will have to pay more just to keep the lights on. OTP has already announced they would be raising rates by approximately 6.77 percent, on average, to pay for the Merricourt wind</p>		<p>were considered but were not cost effective for OTP’s customers on a levelized cost of energy basis.</p>

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			<p>facility in North Dakota, and the Astoria natural gas plant in South Dakota. This solar facility will further increase costs.</p>		
6	Project Description	Taxes	<p>Potential Environmental Impacts Not Identified: Tax Revenue</p> <p>Possible Mitigation: Require OTP to give the City a number (not a percentage) for projected revenue per year so the City can effectively evaluate if this is indeed the spot where a solar farm would create minimal impact and maximum benefit to the community of Fergus Falls. Renewable energy has significant tax subsidies that could result in significantly less revenue than what the City is projecting.</p>	13-21	<p>Solar projects are subject to a production tax in lieu of property tax in Minnesota. The Hoot Lake Solar Project is expected to provide more than \$120,000 annually in local tax benefit. Minnesota Statute 272.0295 subd 7 states, "The revenue must be distributed by the county auditor or the county treasurer to local taxing jurisdictions in which the solar energy generating system is located as follows: 80 percent to counties and 20 percent to cities and townships." The solar production tax is based on actual energy produced, which will vary from year to year.</p>
6	Project Description	Decommissioning	<p>My biggest concern is the decommissioning of the solar farm. What happens when the solar panels have outlived their usefulness. At the Dec suggest that there is a decommissioning plan which includes a fund set up by OTP to cover the cost of disposal, recycling, of the materials for this project and land reclamation of the area used. This is becoming part of best practices for these sorts of project. This fund would be reviewed every 3-5 years to be sure the necessary funding is maintained to deal with the project. Here is a link for how some are looking at this decommissioning of solar farms. https://www.solunesco.com/2018/09/10/decommissioning-of-solar-sites-a-key-consideration-of-the-project/</p>	20-9	<p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP's 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.</p> <p>OTP does not support establishing a fund for decommissioning costs; however, OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.</p>

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6	Project Description	Decommissioning	How does dealing with the reclamation of 355 acres with 150,000 solar panels compare to reclaiming the RTC campus?	20-10	<p>The scope of the EAW does not consider the reclamation of the Hoot Lake Solar Project site as compared to other site reclamations.</p> <p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC.</p>
7	Cover Types	Cover Types	<p>Inaccuracies in EAW: Cover Types, p.5, #7, Developed 84.36 Acres Solar Panels</p> <p>Possible Mitigation: Cover Types, p.5, #7, under ‘developed’, there will be more than 84.36 acres of solar panels. This chart has inaccuracies. OTP should also be required to include before and after for the acres of native prairie grasses and pollinator habitat, especially being many acres are being taken out of CRP.</p>	13-14	<p>Thank you for your comment. There was a spacing issue associated with the table, and it will be revised. However, based on the EAW analysis, the solar panels alone will cover 84.36 acres. There will be spaces between panel rows that are included in the Open Space category.</p> <p>The EAW is fairly prescriptive in terms of the categories of cover types to describe. Conservation Reserve Program (CRP) and other pasture and grasslands are accounted for in the Brush/Grassland category; however, there are not any acres currently enrolled in CRP within the project area. The proposed project is expected to impact 18.17 acres of brush/grassland.</p> <p>Of this brush/grassland, it is estimated that approximately 17 acres contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock avoid.</p> <p>OTP plans to revegetate the areas under the panels and the open space around the panels with native vegetation to the extent practicable, and to surround the perimeter with native plant species including pollinator plants. OTP anticipates providing more detail in a vegetation management plan that would be part of a more detailed design phase of the project.</p>
8	Permits and Approvals	Public Outreach	Lastly, as a co-chair of the City’s Natural Resource Advisory Committee, I am disappointed that our committee was not brought into this process. The city missed the opportunity to take advantage of the varied	7-6	<p>The City and OTP are committed to protecting the environment. The intent of the EAW is to provide notice and sufficient information on the potential for a project to result in significant environmental impacts and inform future permitting decisions. On January 25, 2021, the City held a joint meeting with members from the City Council, Planning</p>

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			expertise on the committee which could have helped with a stronger EAW, project, and protection/conservation of the natural resources in Fergus Falls.		Commission, and Natural Resources Committee to discuss concerns and how they relate to the City ordinance updates.
8	Permits and Approvals	Public Outreach	As a co-chair of the City's Natural Resources Advisory Committee, I am disappointed that our committee was not included in the development of the EAW from early on in the process. The members of our committee have a great deal of varied expertise, experience, and passion around natural resources topics, and the City has missed an opportunity to make the most of this group. I believe that our input would have led to a stronger, more rigorous EAW and, in the long run, better environmental outcomes.	12-3	On January 25, 2021, the City held a joint meeting with members from the City Council, Planning Commission, and Natural Resources Committee to discuss concerns and how they relate to the City ordinance updates.
9	Land Use	Public Lands	How does this plan effect the trails and commons areas of Fergus Falls? Ie One Mile Prairie, Central Lakes Trail, Broken Down Dam Park, North Country Trail, etc.	20-5	The proposed project would be constructed solely on private property in adherence to City ordinances and would not affect any City trails or public areas other than potentially being able to visually see part of the project. OTP intends to develop a screening plan during detailed design of the project.
9	Land Use	Public Lands	Will the One Mile Prairie, wetlands, or CRP acres be affected in any way	4-3	The proposed project would be constructed solely on private property in adherence to City ordinances and would not affect any City trails or public areas other than potentially being able to visually see part of the project. OTP has gone to great length to avoid wetlands to the extent possible, resulting in only 0.06 acre of wetland impacts. Additionally, there are no CRP acres within the project area.
9	Land Use (a.iii)	Annexation	Also, is there a conflict of interest when the City looks at annexing and recouping tax revenue lost by Hoot Lake vs. the actual environmental/economic impacts to the people who live nearby and will get to deal with it day in and day out?	2-16	The decision to annex the OTP parcels is separate from the EAW process. No decision on annexation has been made. The EAW process is meant to provide the necessary information to inform future permitting decisions. The City is not proposing to annex the property to recoup tax revenue. OTP is interested in annexation for its property in order to have all its property fall within one local jurisdiction.

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9	Land Use (a.iii)	Annexation	<p>Also of concern is the annexation process of agricultural ground from township to city. This provides no benefit to the city other than tax revenue. I have reviewed annexation rules from the State of Minnesota. Although there is nothing written regarding annexation of ag lands, I do feel it is improper. Annexation of lands should be done to expand the city's attributes not tax revenue. Annexation should occur to include current homesteads, future homesteads, development property and commercial property not a solar farm which will hinder future growth of the city.</p> <p>My primary concern is how this solar farm will hinder the growth of Fergus Falls to the east, which specifically contradicts the Northeast River Reach which is discussed in the EAW.</p>	21-6	<p>The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the residential-agricultural (R-A) zoning classification. Within this classification, solar development is a recognized use.</p> <p>Annexation of the parcels will be based on the petition submitted by OTP. If other property owners desire annexation, they are able to make a similar petition.</p> <p>It is unclear how the proposed development of private land would hinder the growth of Fergus Falls. The Northeast River Reach Small Area Plan did not identify specific parcels of land for acquisition and development. Rather it sought to balance economic development in the city while maintaining its natural resources. Like many planning studies, these are vision documents and are not considered final. As development of any kind occurs, these documents are reviewed and often amended.</p>
9	Land Use (a.iii)	Decommissioning	<p>Protecting Fergus Falls residents from potential financial liability for decommissioning the site. Decommissioning Assurance Typical warranties for solar panels are for 25-year operating lifetimes. After this time, the solar facility may need to be decommissioned. Decommissioning is an expensive process. A recent study from Resources for the Future determined costs for decommissioning similar-sized solar plants average \$106,000/installed MW. This means the cost to decommission the proposed facility would be roughly \$5.3 million. Fergus Falls leaders can protect taxpayers from potential future liabilities by collecting this projected fee up front as a refundable bond to assure there will be enough money to cover the full decommissioning of the facility in the future.</p>	9-3	<p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP's 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP's Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP does not support "collecting" decommissioning costs up front. OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.</p>

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					The City is currently reviewing its ordinances associated with solar development and will consider the need for a decommissioning plan and financial assurances. However, that process is separate from the EAW process.
9	Land Use (a.iii)	Decommissioning	Suggested ordinances to protect the environment and city finances. Suggested Ordinances for Solar Facilities North Carolina has experienced rapid growth in solar installations over the last decade, and as a result its rules for constructing and operating solar facilities are much more developed than those of Minnesota. I have attached three documents detailing the cost estimates for decommissioning and summarizing the steps County and local governments can take to integrate solar panels into their electricity mix while ensuring the safety of the environment and protecting local taxpayers from future liabilities.	9-4	<p>OTP plans to have a decommissioning study performed soon after the project is operational. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally get incorporated into that depreciation filings. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Decommissioning	It is important that the community understand the risks involved in decommissioning the project. The City of Fergus Falls should require a physical plan for decommissioning including how costs will be handled. Decommissioning, salvage value, and land restoration costs should be included in the decommissioning cost calculation and prepared by a licensed engineer.	10-5	<p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p> <p>OTP plans to have a decommissioning study performed soon after the project is operational. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally get incorporated into that depreciation filings. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed.</p>
9	Land Use (a.iii)	Decommissioning	The City of Fergus Falls should require a physical plan for decommissioning including how costs will be handled. Decommissioning, salvage value, and land restoration	10-6	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.

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			<p>costs should be included in the decommissioning cost calculation and prepared by a licensed engineer. Those costs should not be borne by the City nor the consumer. A letter of credit or other security instrument should be included and updated every five years. I would like to be assured that OTPCO will implement reasonable risk mitigation to protect the community and the environment for future generations. According to Minnesota law, the responsible governmental unit (RGU) must obtain from the project proposer all information necessary to review, modify, and make a decision.</p>		<p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP believes a letter of credit or security instrument is unnecessary; however, OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.</p>
9	Land Use (a.iii)	Decommissioning	<p>Potential Environmental Impacts Not Identified: Decommissioning Plans</p> <p>Possible Mitigation: A detailed decommissioning plan should be required per city ordinances and an EIS.</p> <p>The Model Solar Ordinance – Minnesota (p.12) states the following as a best practice:</p> <p>(V.A.1.7) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.</p> <p>a. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.</p> <p>b. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be</p>	13-7	<p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p> <p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filings. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.</p>

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			<p>available to fully decommission the site.</p> <p>c. Disposal of structures and/or foundations shall meet the provisions of the Model Community Solid Waste Ordinance.</p> <p>d. Model Community may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.</p>		
9	Land Use (a.iii)	Development	<p>I also have some concerns about the development, in general, along the river east of town in what could be prime real estate for development. I understand there are a lot of costs with infrastructure and such, but if this area were to be developed for housing or other use, I would imagine the city's long term benefit would be much greater from a revenue and esthetics point of view.</p>	3-2	<p>The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the R-A zoning classification. Within this classification, solar development is a recognized use.</p> <p>Annexation of the parcels will be based on the petition submitted by OTP. It is unclear how the proposed development of private land would hinder the growth of Fergus Falls.</p>

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9	Land Use (a.iii)	Development	<p>Concern 4 Pg. 7-8: “The Otter Tail County Long-Range Strategic Plan (2019)” states and objective to “Promote housing developments that are accessible to community resources, such as jobs, retail districts, and transportation options, such as walking, biking and transit networks” -As stated in my initial letter; part of the reason for reaching out was to assess how the city or whom ever could answer me felt regarding this solar farm being built on the east side of Fergus Falls. This would effectively cut off all development east of the city. It has been noted by both the City of Fergus Falls and by Ottertail County; housing needs is of the utmost importance. - Again, this solar farm would prevent any growth of Fergus Falls to the east. This solar farm is in complete competition with the Northeast River Reach. “The City of Fergus Falls’ (City’s) Northeast River Reach Small Area Plan, finalized in 2018, provides guidance for long-term public and private investment in the Northeast River Reach area of the city in terms of economic sustainability while maintaining and enhancing its natural resources (City of Fergus Falls 2018)” As stated in the Northeast River Reach Project Goals: The following goal for this area were identified during the planning process:</p> <ul style="list-style-type: none"> • Provide land uses that support, but do not compete with downtown • Extend recreational trails that connect with regional trails and the downtown • Provide additional river access for recreation • Create a development vision that is viable and 	21-12	<p>The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the R-A zoning classification. Within this classification, solar development is a recognized use.</p> <p>It is unclear how the proposed development of private land would hinder the growth of Fergus Falls. The Northeast River Reach Small Area Plan did not identify specific parcels of land for acquisition and development. Rather it sought to balance economic development within the city while maintaining its natural resources.</p> <p>The Hoot Lake Solar Project is not a taking of property, but rather a private property transfer in fee simple. The EAW assessment focuses on potential environmental impacts on resources and does not require an assessment of socioeconomic issues.</p>

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			<p>strengthens the area’s tax base</p> <ul style="list-style-type: none"> • Preserve natural areas as open space and parkland • Create additional housing opportunities for area residents • Create additional employment opportunities through existing or new businesses • Maintain space for public and institutional uses that are important to the city and region <p>This project would take of valuable land which could be used in correlation with the Northeast River Reach development plan. This project provides zero full time jobs. This is not the highest and best use of this land. The EAW does not accurately reflect how the solar farm with hinder the development of Fergus Falls.</p>		
9	Land Use (a.iii)	Planning	I challenge you to set forth guidelines that force OTP to use all best practices (many of which can be avoided by them choosing to do 49.9 MW instead of 50+).	2-12	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.
9	Land Use (a.iii)	Planning	I think it would be prudent for the city to ask to see the past plan for renewable energy.	20-12	It is unclear what past plan for renewable energy the commenter is referring to. A discussion of OTP’s energy plan can be found in the state-approved 2017–2031 Resource Plan (https://www.otpco.com/media/1959/resource-plan.pdf).

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9	Land Use (a.iii)	Public Outreach	Will any and all policies and contracts be available for viewing	4-18	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process. Any disclosure of contracts will be based on regulatory requirements.
9	Land Use (a.iii)	RGU	Who on the City Council is representing the currently non-represented residents who live outside the city limits but who will be greatly affected by the City's decision on this project since the City of Fergus Falls is serving as the RGU vs Otter Tail County?	2-15	<p>The intent of the EAW is to provide sufficient information on the potential for a project to result in significant environmental impacts and to inform future permitting decisions. The EAW process is not an approval for the project, but rather a thoughtful approach to gathering necessary information for future decision-making related to the issuance of permits or other authorizations. The public comment period of the EAW process allows for all stakeholders to comment on the proposed project.</p> <p>Fergus Falls and Otter Tail County staff discussed RGU status. The two jurisdictions determined that the City would have the greatest responsibility for approving the project. The County passed a resolution on September 22, 2020, in support of the City being the RGU. During this EAW process, the City Council as a whole is acting as the entire decision-making body.</p>
9	Land Use (a.iii)	Solar Ordinance	What are the current solar ordinances and where would I find a copy of them?	2-1	As described in the EAW, the City's Code of Ordinances, Section 154.138, <i>Solar Farms; Allowable Zoning Districts and Design Standards</i> , recognizes solar farms as a permitted use in R-A zoning areas. The City's Code of Ordinances is available on the City's website. For additional information, please contact City Planning.
9	Land Use (a.iii)	Solar Ordinance	What do the current (and potential) ordinances require for setbacks (from roads including state highways, county/township roads, from residences, and requirements of trees for screening and aesthetics, as well as how do they address density issues with more solar farms being placed near substations for transmission?	2-2	As described in the EAW and the City's Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards). In addition, a 40-foot setback is currently designed for parcels outside of current city limits.
9	Land Use (a.iii)	Solar Ordinance	I would say a 90-day moratorium would be the mere beginning of the requirements and that more ordinances are very likely needed in order to protect neighbors and the environment, and not just rely on the "good faith" of the hometown corporation. Solar has changed quite a bit	2-3	There is currently no moratorium on the design and planning of a solar facility. The City has no moratorium for solar facilities. On November 12, 2020, Aurdal Township issued a 12-month moratorium on the construction or expansion of solar facilities. The proposed

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			in the past 5 years, so I'd say a review and likely revision is prudent. Also, when did the 90-day moratorium begin for this project?		<p>construction of the project, once all permits are received, would not occur until the fall of 2021 at the earliest.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	Are there county-level ordinances regulating solar projects? If not, should something more comprehensive be looked at for that level of government considering solar is going to become more and more common?	2-4	<p>Otter Tail County currently lacks an ordinance regulating solar projects.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	I am hoping that the city of Fergus Falls would, at a minimum, update solar ordinances to be in alignment with best practices.	3-1	<p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	At a minimum, I would hope the city officials would require: set backs from roads and property lines; proper year round fencing, including bushes and trees planted on the developer's property; wildlife friendly fencing; burying lines and generally making such a blight less visible would be in the best interest of the city. I recognise the need to ensure tax revenue but I hope you have seriously considered if this is the highest and best use of the property.	3-3	<p>As described in the EAW and the City's Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards).</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	Will the City have to rezone the site	4-7	<p>It is unlikely that the site would need to be rezoned because the current zoning classification recognizes solar farms as an allowed use. The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>

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9	Land Use (a.iii)	Solar Ordinance	Setbacks from landowner property lines should be at least 350'	4-15	<p>As described in the EAW and the City's Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards).</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	<ul style="list-style-type: none"> To be consistent with the ordinance, panels should be setback at least 200 feet from the ordinary high water level. 	6-6	<p>As described in the EAW and the City's Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards). Additionally, the design considers the City of Fergus Falls Shoreland Management Ordinance and required processes for development. Currently, City zoning requires land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 feet for agricultural land uses and 50 percent of the structure setback for all other land uses. OTP will design setbacks based on conditions required by the City.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	If the City of Fergus Falls does not update the solar ordinances to address largescale solar and require a Conditional Use Permit, the public will be left extremely vulnerable and the impact will be significant	13-1	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.
9	Land Use (a.iii)	Solar Ordinance	<p>Potential Environmental Impacts Not Identified: Impact from the City of Fergus Falls' Solar Ordinance Regulations Being Very Minimal and Insufficient in a Number of Areas (This statement is supported by Aurdal Township's attorney, Jason Hill. See Attachment 2_Aurdal_Attorney_FF Solar Ordinance)</p> <p>Possible Mitigation:</p>	13-3	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.

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			<p>The City of Fergus Falls’ solar ordinance must be updated to require a Conditional Use Permit and to address large-scale solar development in order to adequately protect the health, safety and wellbeing of the people. If the City does not update their solar ordinance, they need to be prepared to negotiate with Otter Tail Power to have them commit to following Aurdal Township’s solar ordinance on the Aurdal land annexed for this project. If this is not done, the City will be liable for increased financial damage done to neighboring properties as a result of annexing land into lesser regulations. (Note: Aurdal Township currently has a moratorium and final draft of a solar ordinance they are willing to share with the City.)</p>		
9	Land Use (a.iii)	Solar Ordinance	<p>Potential Environmental Impacts Not Identified: Solar Panel Spacing</p> <p>Possible Mitigation: This should be in the EAW and required as part of the site plan application for a Conditional Use Permit. The City’s solar ordinance must be updated to require a Conditional Use Permit.</p>	13-13	<p>Although still in preliminary design, the spacing between solar panel rows is approximately 13 to 15 feet (panel edge to panel edge at horizontal orientation). The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Solar Ordinance	<p>Potential Environmental Impacts Not Identified: Impact to Adjacent Property Owners’ Land Use (e.g. hunting, solar easements)</p> <p>Possible Mitigation: Many adjacent homeowners live on land outside of city limits and enjoy hunting. How will this be impacted? Solar easements restrict what property owners can plant or build on their own property. What if homeowners and OTP do not come to an agreement regarding a solar easement?</p>	13-15	<p>Hunting on publicly accessible lands and private parcels open to hunting would remain unaffected.</p> <p>An easement is an interest in property sold by the property owner. The conditions of the easement are negotiated between the seller and buyer of the easement and are outside the scope of this EAW.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>

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			The City’s solar ordinance needs to be updated to include: “Installation of a solar system shall not constitute a right to sunlight from any adjoining property, nor does the Township assure access to sunlight.” (Note, this will be included in Aurdal Township’s ordinance.)		
9	Land Use (a.iii)	Solar Ordinance	we hope that the city makes the effort to update and modernize its current solar ordinance to accommodate the large scale of this solar farm. Most of these decisions also seem to be left entirely to the discretion of Otter Tail Power Company, because the current solar ordinance apparently does not provide guidelines. We both teach environmental science and are supportive of solar energy, but this lack of regulation makes us nervous.	17-1	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.
9	Land Use (a.iii)	Solar Ordinance	I am concerned as there are no current ordinance’s on township basis or county basis and that Ottertail Power will use pressure and or predatory tactics to implement their will over property owners. The city of Fergus Falls does currently have an ordinance but does not come close to resembling current Minnesota best practices for solar farms. I encourage you to review the city ordinance and Minnesota best practices and compare.	21-3	The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.
9	Land Use (a.iii)	Solar Ordinance	This is not the highest and best use of this property. This solar farm should be further into rural county land.	21-8	The proposed solar facility would be sited on private property in adherence to the City’s zoning ordinances. A highest and best use analysis is subjective and not required for the private parcels.
9	Land Use (a.iii)	Solar Ordinance	Concern 5 Pg. 8: “The City’s Code of Ordinances, Section 154.138, Solar Farms; Allowable Zoning Districts and Design Standards, recognizes solar farms as a permitted use in	21-13	As described in the EAW and the City’s Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards). The front yard setback would apply to roads.

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			<p>residential-agricultural (R-A) zoning areas. The ordinance also contains requirements to construct solar farms within city limits, such as requiring a building permit from the City. The proposed Project would be located in an area that is zoned R-A, allowing for solar farm use. OTP has been coordinating with the City and is designing the solar facility to comply with construction elements outlined in the ordinance. All City-required property setbacks would be followed (i.e., 30 feet for front yards, 10 feet for side yards). In addition, a 40 foot setback is currently designed for parcels outside of current city limits.”</p> <p>-The proposed solar farm may be annexed by the city of Fergus Falls. If this occurs, OTP will need to follow city ordinances or lack of regarding setbacks and screening. The EAW setbacks are not adequate to minimize impact to adjacent properties and roadways. Setbacks from roadways are not addressed in the EAW and this project will border a significant stretch of HWY 210 and Main St.</p> <p>-City’s current ordinance does not discuss screening which was discussed here in concern 1. Nor does it discuss fencing. The city should update their solar ordinance to require the 8.61 miles of fencing to be wildlife friendly fencing in all areas possible to minimize impact, or this is completely left up to the developer to decide after the EAW is approved.</p>		<p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p> <p>Wildlife-friendly fencing recommendations will be considered during final design of the project and will be implemented in areas where possible while also considering potential visual screening.</p>
9	Land Use (a.iii)	Taxes	Will the solar 'farm' be taxed by the City as commercial or agricultural	4-6	Solar projects are subject to a production tax in lieu of property tax in Minnesota. The Hoot Lake Solar Project is expected to provide more than \$120,000 annually in local tax benefit. Minnesota Statute 272.0295 subd 7 states, "The revenue must be distributed by the county auditor or the county treasurer to local taxing jurisdictions in which the solar energy generating system is located as follows: 80 percent to counties and 20 percent to

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					cities and townships." The solar production tax is based on actual energy produced, which will vary from year to year.
9	Land Use (a.iii)	Zoning	Wouldn't the City be better off financially if the property was residential with new homes	4-17	The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the R-A zoning classification. Within this classification, solar development is a recognized use.
9	Land Use (a.iii)	Zoning	The question I'm hearing is: Is this the right spot for our community? Friends of mine who recently built on land that this project will butt up against are told OTP will buy out their property, but at far less value than what they'd get on the open market.	8-1	OTP continues to discuss property valuation concerns with neighbors related to the proposed project and is striving to have arrangements/agreements in place with all directly neighboring homeowners.
9	Land Use (a.iii)	Zoning	Potential Environmental Impacts Not Identified: Easement Disclosures Possible Mitigation: Land easements on the site for the Hoot Lake Solar project should be disclosed as part of an EIS.	13-16	Currently, the solar facility is proposed for private property acquired by OTP. Ongoing and future property easement transactions are outside the scope of this EAW.
9	Land Use (a.iii)	Zoning	Potential Environmental Impacts Not Identified: Comprehensive City Development Plan Possible Mitigation: A comprehensive plan should be done that involves multiple stakeholders, including residential developers and local realtors, to assess the impact and potential for restricting future residential expansion. The City has limited growth to the west due to rich and expensive farmland; south of the city is cut off by I-94, parks and protected land; and there is limited growth to the north. Growth to the east is the best option for future residential	13-25	The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the R-A zoning classification. Within this classification, solar development is a recognized use. It is unclear how the proposed development of private land would hinder the growth of Fergus Falls.

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			expansion; the solar farm will cut off this potential for development.		
9	Land Use (a.iii)	Zoning	If the residents around the area lose value to their home, I would hope there would be a fair financial compensation (by the Federal Relation Act or property depreciation as determined by an expert appraiser) to be a part of the city's permitting process.	19-1	<p>We believe the commenter is referring to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. However, this act applies to property owners whose property is to be acquired for federal or federally assisted projects. The proposed project does not trigger that law.</p> <p>OTP continues to discuss property valuation concerns with neighbors related to the proposed project and is striving to have arrangements/agreements in place with all directly neighboring homeowners.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for additional requirements. However, that process is separate from the EAW process.</p>
9	Land Use (a.iii)	Zoning	What about the neighbors to the project? The set backs? The islands of township residents in the midst of being surrounded by City of Fergus Falls? The property value of those homeowners?	20-7	<p>OTP continues to discuss property valuation concerns with neighbors related to the proposed project and is striving to have arrangements/agreements in place with all directly neighboring homeowners.</p> <p>As described in the EAW and the City's Code of Ordinances, all City-required property setbacks and other conditions would be followed (i.e., 30 feet for front yards, 10 feet for side yards). Additionally, the design considers the City of Fergus Falls Shoreland Management Ordinance and required processes for development.</p>
9	Land Use (a.iii)	Zoning	Concern 6 Pg. 9: "The Minnesota Statute, Section 103F.48 requires a permanent 50 foot wide vegetated buffer on agricultural land in shoreland areas adjacent to public waters. Otter	21-14	As described in the EAW, all property setbacks and other conditions would be followed, including how setbacks relate to the City of Fergus Falls Shoreland Management Ordinance and required processes for development.

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			Tail County has an initiative to assist landowners in creating this buffer. The current designed setback in this area is 50 feet” -I feel it is inappropriate for a company such as OTP to ask for assistance to pay for buffer strips.		
9	Land Use (a.iii)	Zoning	I also would strongly encourage this council to consider that there are other more appropriate areas to develop this project	22-6	The private property acquired by OTP for the Hoot Lake Solar Project, especially the parcels currently within the city of Fergus Falls, is within the R-A zoning classification. Within this classification, solar development is a recognized use. While OTP does have other sites where interconnection can take place, a significant value for OTP customers is the ability to use the soon-to-be-retired Hoot Lake coal plant’s interconnection and existing substation.
10	Geology/Soils/Topo	Erosion	Potential Environmental Impacts Not Identified: Erosion and Sediment Control Measures Possible Mitigation: Require an EIS and plan from OTP to control erosion and sediment. This is especially important being 60% of the soil is rated as severe for erosion (EAW p.11).	13-19	As discussed in EAW Item #11.b.ii, in accordance with MPCA, OTP will obtain a construction stormwater permit under the NPDES program and will develop a SWPPP before starting construction. The project will adhere to the SWPPP, including the implementation of erosion and sediment control best management practices, to prevent stormwater runoff during construction of the project. OTP will implement erosion control and stabilization practices, including establishing vegetation across the solar project, to prevent and control stormwater runoff during operation.
10	Geology/Soils/Topo	Erosion	Concern 7 Pg. 11: “Only four of the soil types were rated as severe, but they account for approximately 59.6 percent of the project area” -Much of this land has severe erosion rating. This combined with geographical changes, tree removal and no enforcement over screening and or native grass planting would worsen the erosion risk.	21-15	As discussed in EAW Item #11.b.ii, in accordance with MPCA, OTP will obtain a construction stormwater permit under the NPDES program and will develop a SWPPP before starting construction. Erosion control plans will be designed by trained erosion control specialists as part of the SWPPP, and will require regular inspections and maintenance of erosion control measures. The project will adhere to the SWPPP, including the implementation of erosion and sediment control best management practices, to prevent stormwater runoff during

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					construction of the project. OTP will implement erosion control and soil stabilization practices, including establishing vegetation across the solar project, to prevent and control stormwater runoff during operation.
10	Geology/Soils/Topo	Topography	<p>Concern 2 Pg. 3: "Site development would include tree and stump removal (10 acres), clearing and grading of land,"</p> <p>-Tree removal would increase vision of solar panels and security fence; see concern 1.</p> <p>-Tree removal in conjunction with grading would disturb natural geography and increase erosion, see concern 7.</p>	21-10	<p>Planned tree removal is necessary for siting solar panels and would occur within the fenced area of the property.</p> <p>OTP has developed a conceptual project design that seeks to minimize the need for site grading. Grading will occur in some areas to lessen slope steepness to accommodate the acceptable slope requirements of the solar array and associated equipment. The City will review the final proposed site plan as part of the building permit process.</p>
10	Geology/Soils/Topo	Topography	<p>This area that OTC is planning to develop into a solar project has a very unique and precious topography. The geological contour of the area is unique and very special for this part of the county. It has a canyon and glacial bluffs. If you have ever walked around this area you would remark at how diverse and beautiful it is. The rolling aspect of this area is not the most suitable for a solar field. Much of it is hilly with deep valleys and unusual rock and ground formations. How do they plan on grading and restructuring this land area? Will it affect water drainage or Wildlife inhabitants?</p>	22-1	<p>OTP has developed a conceptual project design that seeks to minimize the need for site grading. Unique features onsite, such as prairie pothole wetlands/depressions, isolated hills/ridges, and steep ravines, have been largely avoided for solar development. For a discussion of potential wildlife impacts, see EAW Item #13.</p>
10	Geology/Soils/Topo	Erosion	<p>How might this further impact erosion which will already be impacted due to changing the topography of the land??</p>	2-7	<p>OTP will implement erosion control and soil stabilization practices, including establishing vegetation across the solar project, to prevent and control erosion during operation.</p>
11	Water Resources	Buffer	<ul style="list-style-type: none"> • MDNR also recommends larger open water wetlands retain a minimum of a 100-foot buffer to avoid impacts to wildlife and aquatic habitats 	6-7	<p>The project will comply with the City of Fergus Falls Shoreland Management Ordinance, which applies to public waters within the project area. If necessary, OTP will apply for a conditional use permit for development within shoreland zones.</p> <p>Currently, City zoning requires land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 feet for agricultural land uses and</p>

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					50 percent of the structure setback for all other land uses. OTP will design setbacks based on conditions required by the City.
11	Water Resources	Impaired	The EAW states “There are no Clean Water Act Section 303(d) Impaired Waters within the Project area and no impaired waters within 1 mile of the Project. The nearest impaired waterway is a section of Otter Tail River...” Please note that Pebble Lake (56-0829-00), is located approximately 1 mile south of Minnesota Highway 210, and is impaired for mercury in fish tissue. MPCA staff expects no impacts from this Project to the mercury impairment. Stormwater	16-3	Comment noted. As stated in the EAW, there are no 303(d) Impaired Waters closer than 1 mile from the project.
11	Water Resources	Public Waters	The EAW states two waterbodies in the southeast portion of the Project area are public water basins. Only one, Unnamed Lake (56-0815-00) appears to be mapped as a public water basin on the public waters inventory map and the submitted wetlands delineation report. The waterbody to the north of Unnamed Lake does not appear to be mapped as a public water basin.	16-2	Unnamed Lake 56-0815-00 is a mapped Public Waters Inventory (PWI) basin. The water directly north of the PWI is a public waters wetland as defined by Minnesota Statute 103G.005, Subdivision 15a, and is not included in PWI mapping. This resource is identified in the project Wetland Delineation Report.
11	Water Resources	Run-off	Also, be aware that hydro-mulch products may contain small plastic fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic fiber additives in areas that drain to aquatic environments.	6-14	Thank you for the comment. OTP will use natural fiber erosion control materials. Erosion control plans will be designed by trained erosion control specialists as part of the SWPPP, and will require regular inspections and maintenance of erosion control measures.
11	Water Resources	Stormwater	Please make sure that there is a thorough plan for stormwater runoff management. The EAW addresses temporary holding basins during construction, but it will also be important to ensure that the runoff in the long-	12-2	Stormwater management will be implemented on site in accordance with the MPCA NPDES/State Disposal System (NPDES/SDS) Construction Stormwater General Permit (MN R 100001), as required to meet permit conditions. Locations and sizes of stormwater management features will be developed during the detailed design phase of the project.

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			<p>term does not increase volume or pollutants in the surrounding wetlands or the Otter Tail River. There are multiple ways that the runoff can be contained, and it should be a goal to hold 100% of the stormwater on the project site. In the vein of being good neighbors and responsible business operators, it is critical that Otter Tail Power establish a decommissioning plan for the equipment disposal and site restoration once the project has served its purpose. Although we cannot know now what the recycling and repurposing options might be in 25-35 years, it is imperative that an escrow-type account is created and revisited every 3-5 years to adjust to cover all anticipated end-of-project-life expenses.</p>		<p>The project intends to use infiltration basins to the extent practicable. Erosion control plans will be designed by trained erosion control specialists as part of the SWPPP, and will require regular inspections and maintenance of erosion control measures.</p> <p>OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.</p>
11	Water Resources	Stormwater	<p>The EAW discusses the plan to utilize basins for stormwater treatment, but there is no mention of utilizing a volume reduction method. The Project will be required to utilize infiltration at the site to manage the stormwater volume unless prohibited for one of the reasons in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater permit. If infiltration is prohibited, the Project proposer could also consider collection and reuse to manage stormwater, such as for irrigation during dry periods. The planned use of native vegetation will aid infiltration of stormwater on the site.</p>	16-4	<p>Stormwater management will be implemented on site in accordance with the MPCA NPDES/SDS Construction Stormwater General Permit (MN R 100001), as required to meet permit conditions. Locations and sizes of stormwater management features will be developed during the detailed design phase of the project. The project intends to use infiltration basins to the extent practicable.</p>

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11	Water Resources	Wetlands	<p>Water Resources Solar panels are specifically included as a structure within Otter Tail County shoreland ordinance definitions. Surrounding natural wetlands with panels can negatively affect wildlife use of wetlands. Some species will avoid the wetlands due to the structures, glare, shading, vehicular traffic, and human disturbance. Minnesota public water basin (unnamed, 56081500) located on the southeastern portion of the project is classified as a natural environment lake. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use.</p>	6-5	<p>The Project will comply with City of Fergus Falls Shoreland Management Ordinance. If necessary, OTP will apply for a conditional use permit for development within shoreland zones.</p> <p>Although not well studied, including in Minnesota, some solar arrays may possibly result in impacts to wildlife, specifically migratory birds or other species that use water and wetlands as temporary and permanent habitat. Studies in the southwest United States have suggested that large solar arrays can create a “lake effect” for migratory bird species that identify the glare from the black, flat surface of the panels as water and attempt to land resulting in their injury or death (Chock, RY, B. Clucas, E.K. Peterson, B.F. Blackwell, D.T. Blumstein, K. Church, E. Fernandez-Juricic, G. Francescoli, A.L. Greggor, P. Kemp, G.M. Pinho, P.M. Sanzenbacher, B. A. Schulte and P. Toni. 2020.Evaluating potential effects of solar power facilities on wildlife from an animal behavior perspective. Conservation Science and Practice. 2021; 3:e319). Most research on wildlife impacts has occurred at concentrating solar power facilities that result in bird mortality from the solar flares they create or associated with developed water features. This is different from the photovoltaic design for this project. Other impacts have been documented related to increased perch availability for avian predators, though this research focused on the endangered desert tortoise and increase in raven populations.</p> <p>Given the lack of specific research related to photovoltaic facilities and impacts to wildlife, effective mitigation for reducing potential impacts to avian species has not been fully developed. However, in other areas of the country, the USFWS has proposed the use of anti-glare glazing to reduce the creation of the “lake effect” to migrating species. The current design specification for the facility includes panels with anti-glare coatings. It is also expected that this effect could be further limited by the tracking system, as the arrays would change aspect throughout the day limiting their time completely horizontal. Although injury and mortality to bird species could occur, it is not expected to rise to a potentially significant impact.</p> <p>Concern has also been raised related to the potential impacts to terrestrial species that use the wetland and associated edge habitat. Currently, a set-back from wetlands has been created. It is expected that some wildlife avoidance of the wetland areas within the</p>

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					site may occur during construction activities. In fact, some less mobile species (e.g. reptiles and amphibians) could be injury or killed during construction activities; however given the lack of daily activity once constructed, it is likely that wetland wildlife species will become accustomed to the presence of the panels; therefore, impacts would not be significant. Additional native vegetation restoration will provide more adjacent terrestrial habitat, providing benefits to many native wetlands and upland species.
11	Water Resources	Wetlands	<p>Environmental Impacts Identified, but Not Adequately Addressed: Plan to Restore Natural Systems</p> <p>Possible Mitigation: There is a remarkable amount of natural systems on this and surrounding parcels, around 35 wetlands and two listed lakes greater than ten acres. This is not the place for a solar farm that would cause minimal impact to the environment and people. If this project has to happen here, the site should be a model for restoring natural systems and integrating clean energy production.</p>	13-22	<p>OTP has committed to using native plantings on the site where practicable in accordance with DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects.” Most of the project’s infrastructure has been sited to avoid natural features (i.e., wetlands) by installing them on previously farmed or grazed lands.</p> <p>OTP is open to discussions of wetland restoration taking place within the project area; however, this is currently outside the scope of the EAW.</p>
11	Water Resources	Wetlands	2. We understand that there are numerous drained wetlands on the OTP’s property. We could see the opportunity to restore or enhance these wetlands. One method that could be used would be to install ditch plugs to hold water in these areas. These structures could be helpful for restoration and could also be useful for crossing points for equipment and solar cells.	14-2	OTP is open to discussions of wetland restoration taking place within the project area; however, this is currently outside the scope of the EAW.
11	Water Resources	Wetlands	3. Partner with local conservation agencies to identify drained and filled wetlands on the site and restore them prior to restoring any prairie or installing panels.	15-5	OTP is open to discussions of wetland restoration taking place within the project area.

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11	Water Resources	Wetlands	There are numerous waterbodies within or adjacent to the site boundaries. The Project proposer will be required to maintain 50 foot buffers to all surface waters (including wetlands that are not Department of Natural Resources public waters). If the 50 foot buffer must be encroached, redundant (double) downgradient sediment controls will be required during construction to protect the surface water. The Project proposer will need to ensure temporarily or permanently unworked soils on any portion of the site are stabilized within 14 days even if work will resume in the area.	16-5	The project will follow the MPCA NPDES/SDS Construction Stormwater General Permit (MN R 100001) conditions, which outline best management practices, some of which were noted in the comment. The best management practices will be identified in a written SWPPP. A component of the SWPPP is a description of the measures taken to protect waterbodies in the project area.
11	Water Resources	Wetlands Degraded	With many wetlands on the site, are there provisions in place if they become degraded during or after the installation?	7-2	The project will follow the MPCA NPDES/SDS Construction Stormwater General Permit (MN R 100001) conditions, which outline best management practices. The best management practices will be identified in a written SWPPP. A component of the SWPPP is a description of the measures taken to protect waterbodies in the project area. Inspections of stormwater best management practices will occur in accordance with the SWPPP and MPCA NPDES/SDS Construction Stormwater General Permit. If issues or degradation of surface waters are identified, corrective actions will be implemented in accordance with the requirements of the stormwater permit.
11	Water Resources	Wetlands Degraded	With many wetlands on the site, are there provisions in place if they become degraded during or after the installation?	10-3	The project will follow the MPCA NPDES/SDS Construction Stormwater General Permit (MN R 100001) conditions, which outline best management practices. The best management practices will be identified in a written SWPPP. A component of the SWPPP is a description of the measures taken to protect waterbodies in the project area. Inspections of stormwater best management practices will occur in accordance with the SWPPP and MPCA NPDES/SDS Construction Stormwater General Permit. If issues or degradation of surface waters are identified, corrective actions will be implemented in accordance with the requirements of the stormwater permit.

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12	Contamination /Waste	Ash Sites	<p>Environmental Impacts Identified, but Not Adequately Addressed: Ash Impound</p> <p>Possible Mitigation: An EIS should be conducted to further study the impact of arsenic and other hazardous waste that has the potential to leach out of the ash impound and contaminate drinking water. OTP should be required to: 1) pay for well water tests on adjacent privately owned properties to study and identify if any inorganic arsenic or mercury is present; 2) give the city routine ground water monitoring results monthly during construction and bi-monthly after construction is completed; 3) OTP should be required to have a plan to mitigate any issues that could arise after the solar panels are installed.</p> <p>We have high arsenic levels in our well water. If inorganic arsenic is identified in properties within close proximity of the ash impound, a solar farm should not be permitted in this location as the impact could be detrimental to the public's safety and wellbeing.</p>	13-24	<p>Although this comment is outside the scope of the EAW and outside the project boundary of the solar project, OTP is certainly willing to provide information on this topic. OTP's ash landfill at Hoot Lake Plant is regulated and permitted by the MPCA. Routine groundwater monitoring takes place on a semiannual basis, analyzing for numerous constituents including arsenic and mercury. Groundwater monitoring results are reviewed and certified by an environmental consultant and submitted to the MPCA in an annual monitoring report.</p> <p>Hoot Lake Plant's ash landfill is also regulated by the US Environmental Protection Agency (EPA) under the coal combustion residuals rule (CCR Rule). The CCR Rule contains a process to detect, assess, and mitigate groundwater impacts caused by ash landfills and impoundments. OTP follows the procedures contained in both the MPCA and EPA permits and rules.</p> <p>Arsenic levels in upgradient wells (wells that monitor groundwater representative of regional conditions and are not affected by the landfill site) indicate arsenic is naturally occurring at elevated levels in local groundwater.</p> <p>A discussion of groundwater flow is helpful to understand potential groundwater impacts on nearby residences from the ash landfill. Groundwater in the ash landfill area flows northward toward the Otter Tail River while nearby residences are located south of the landfill. As a result, groundwater flowing beneath the ash landfill flows away from local residences, making impacts on residential wells from a potential landfill release unlikely.</p>
12	Contamination /Waste	Heavy Metals	Will soil samples be taken periodically to monitor heavy metal or other by-products	4-8	Unless it is required during the permitting process, there is no plan to take periodic soil samples. See response to comment letter ID 9-2 in the following table row.
12	Contamination /Waste	Heavy Metals	<p>The potential impact of these solar panels on the environment. Environmental Impacts of Solar Panels Not only will the solar panels increase costs for consumers, emerging academic research has shown that rainwater is sufficiently acidic to cause solar panels, especially damaged panels, to leach toxic heavy metals such as cadmium and lead into the nearby soil and groundwater.</p>	9-2	<p>A review of the scientific literature submitted identified a number of differences between the studies conducted in India and the expected disposal or recycling of solar panels from this project.</p> <p>One study conducted over a 1-year period seemed to indicate that any leaching of heavy metals from photovoltaic panels was the result of damage to the panel that was subject to rain with varying pH levels, causing leaching into soils. OTP plans to implement a</p>

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			Some panels also contain PFAS. I have attached three academic studies examining the potential impact of metals leaching from solar panels on the environment. Due to these potential contamination pathways, it makes sense to require OTP to conduct baseline soil and groundwater sampling to determine the condition of these natural resources before solar panels are installed. Periodic soil and groundwater testing during the operations phase of the project should also be conducted to determine if leaching of heavy metals is occurring. Testing should be conducted again after the end of the solar facility's lifetime to determine whether the panels have created a legacy pollution problem that would affect future generations. The results of these environmental tests should be publicly available and easily accessible on the OTP website, along with a real-time solar generation display and historical production data.		<p>maintenance program that would include routine monitoring and facility inspections consistent with good utility practices to avoid this situation because damaged panels would be repaired, recycled, or properly disposed.</p> <p>A second study examined the pathways of any heavy metal leaching from discarded solar panels. It indicated that the primary pathway was through soil/skin interaction and soil ingestion. It also demonstrated that heavy metals could leach into groundwater from a local unlined landfill, though the water contamination was found to be insignificant.</p> <p>OTP will apply for all necessary permits for the construction and operation of the solar facility and will meet any permit-specific conditions or requirements, including the proper disposal of damaged equipment. Solar panels that have been damaged beyond repair will be removed and properly disposed (including within regulated, lined landfills) or recycled to the extent practicable.</p>
12	Contamination /Waste	Heavy Metals	If OTP is allowed to develop the solar farm in these areas and arsenic, mercury or other inorganic hazardous waste is present, these areas should be closely monitored (in conjunction with the city for transparency), OTP should have a mitigation plan, and any fluctuation in test results should require swift action by OTP to resolve the situation.	13-2	See response to comment letter ID 9-2 in the previous table row. OTP will apply for all necessary permits for the construction and operation of the solar facility and will meet any permit-specific conditions or requirements.
12	Contamination /Waste	Waste Sites	<p>Environmental Impacts Identified, but Not Adequately Addressed: Location and Size of Abandoned and/or Active Waste Sites, Wells, Sewage Treatment Systems, Dumps</p> <p>Possible Mitigation: Require an EIS that would have a map of the location and</p>	13-17	A Phase I Environmental Site Assessment (Phase I ESA) was conducted for parcels included in the project area. The Phase I ESA identified only one property with a minor solid waste issue within the proposed development area. The identified solid waste will be disposed of in accordance with state and local regulations prior to or during construction. Former ash disposal areas adjacent to the project area were also identified in the Phase I ESA and Phase II ESA. Development of these areas will be avoided.

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			size of any abandoned and/or active waste sites, wells, sewage treatment systems, and dumps.		
13	Fish and Wildlife	Habitat	What will OTP do to maintain current wildlife habitats and strive to maintain dual use of the land whenever possible (i.e. bald eagle nest referenced on p 20)?	2-11	<p>Habitat for wildlife would be disturbed temporarily during construction. A variety of small mammals and birds are likely to return to using the site upon completion of construction. Larger mammals would be excluded from the site due to the need for the installation of security fencing. The impacts on habitat are considered to be minor because there is an abundance of habitat surrounding the project.</p> <p>OTP is aware of potential impacts on the bald eagle nest located within the project area and will coordinate with USFWS in applying for any necessary permits under the Bald and Golden Eagle Protection Act as part of the permitting process.</p> <p>Taken as a whole, the project is expected to increase the amount of grassland habitat when it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Habitat	- Will there be habitat degradation	4-1	<p>Habitat for wildlife would be disturbed temporarily during construction. A variety of small mammals and birds are likely to return to using the site upon completion of construction. Larger mammals would be excluded from the site due to the need for the installation of security fencing. The impacts on habitat are considered to be minor because there is an abundance of habitat surrounding the project.</p> <p>Taken as a whole, the project is expected to increase the amount of grassland habitat when it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Plants	Will the base be vegetative or gravel	4-2	Gravel pads or bases would be used only for inverter stations, operations and maintenance buildings, and access roads. These facilities make up approximately 8.2 acres of the total project area (355 acres). The rest of the project area would be vegetated.
13	Fish and Wildlife	Plants	OTP doesn't know what types of grasses can be planted under the arrays??	2-8	The specific seed mixes will be identified and included in the vegetation management plan. To the extent practical, OTP will use DNR's "Prairie Establishment and Maintenance Technical Guidance for Solar Projects" and is committed to using native plantings in the project area.

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13	Fish and Wildlife	Eagle	Concern 8 Pg. 23: Bald eagle nest removal	21-16	The bald eagle nest located within the project area will need to be removed. OTP will seek a nest removal permit from USFWS. However, this nest appears to be a second nest for this bald eagle pair; it appears they moved from a nest location closer to the river approximately ¼ mile to the northwest. Nest removal would occur outside of eagle mating, nesting, and fledging periods to avoid disturbance of the birds. It is anticipated that USFWS will require OTP to compensate for the removed nest through methods such as installation of a nesting platform nearby or contribution to an eagle rehabilitation fund.
13	Fish and Wildlife	Wildlife	Yet I wonder how many deer will find their way over the fence of the proposed project and how many will get caught and injured.	22-2	The use of an 8-foot-high fence with angled top wires will discourage deer from attempting to jump it. A study completed in 2010 assessed the ability of white-tailed deer to jump fences in Wisconsin. The study indicated that fences at approximately 6 feet only deterred deer 14 percent of the time whereas a 7-foot fence deterred deer 85 percent of the time and an 8-foot fence resulted in 100 percent deterrence. A deterrence rate of 100 percent will reduce the risk of white-tail deer injury (Vercauteren, Kurt C.; Timothy R.; Lavelle, Michael J.; and Hall, Wayne, "Assessment of Abilities of White-Tailed Deer to Jump Fences" (2010). USDA National Wildlife Research Center – Staff Publications. 1342. https://digitalcommons.unl.edu/icwdm_usdanwrc/1342).
13	Fish and Wildlife	Eagle	We have one specific concern about the bald eagle nest within the project area (on the “Buchholtz” land) that is described on page 23 of the EAW form as “a new documented bald eagle nest in the northeast section of project area.” We don’t know exactly what is meant by “new,” but the nest has been in that same location for at least 6 years. We have watched that bald eagle pair as they sat in the nearby dead trees on the “Lahti land” for a long time and would hate to see them disturbed.	17-2	The bald eagle nest located within the project area will need to be removed. OTP will seek a nest removal permit from USFWS. However, this nest appears to be a second nest for this bald eagle pair; it appears they moved from a nest location closer to the river approximately ¼ mile to the northwest. Nest removal would occur outside of eagle mating, nesting, and fledging periods to avoid disturbance of the birds. It is anticipated that USFWS will require OTP to compensate for the removed nest through methods such as installation of a nesting platform nearby or contribution to an eagle rehabilitation fund.
13	Fish and Wildlife	Plants	Native plants should be maximized within the project area. Have you considered a conservation grazing plan incorporating sheep to maintain vegetation?	7-3	OTP has yet to identify specific maintenance schedules or practices that will be used for vegetation onsite. However, OTP will develop a vegetation management plan that will outline maintenance practices. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and is committed to using native plantings in the project area. OTP intends to plant native species throughout the project site, including under and between solar panels. Given the amount

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					of land being replanted with native species, adverse impacts on native plants will be minimized.
13	Fish and Wildlife	Plants	It is very encouraging to note that native vegetation will be planted as a dual use project to provide habitat for insects and wildlife. How will the proposed vegetation be maintained? Have you considered a conservation grazing plan incorporating sheep to maintain vegetation?	10-4	OTP has yet to identify specific maintenance schedules or practices that will be used for vegetation onsite. OTP will develop a vegetation management plan that will outline maintenance practices. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and is committed to using native plantings in the project area.
13	Fish and Wildlife	Plants	Please maximize the amount of native plantings within the project. These plants are adapted to our climate, and our wildlife (including pollinators) are adapted and dependent on them. Protect the existing native planting on the CRP land, and consider planting native species throughout the project site. A conservation grazing plan using sheep or cattle could lead to less expensive and more environmentally sustainable management. Native plants have other benefits as well, including improved water quality and decreasederosion.	12-1	The specific seed mixes will be identified and included in the vegetation management plan. Additionally, specific maintenance schedules and practices for vegetation have yet to be defined for the project. OTP will develop a vegetation management plan that will outline maintenance practices. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and is committed to using native plantings in the project area. OTP intends to plant native species throughout the project site, including under and between solar panels.
13	Fish and Wildlife	Plants	3. We would also like to see planting of native pollinator plants.	14-3	OTP has yet to identify the specific seed mix that will be used. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and is committed to using native plantings in the project area. A number of these native plant species are expected to be pollinator-friendly species.
13	Fish and Wildlife	Plants	How will the native vegetation be cared for and maintained? Herbicides? Grazing? Again what is the long term plans?	20-4	OTP has yet to identify specific maintenance schedules or practices that will be used for vegetation onsite. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects.”
13	Fish and Wildlife	Plants	Concern 3 Pg. 3: To the extent practicable, grasses would be planted and established for all disturbed areas using a native seed mix under Department of Natural Resources “Prairie Establishment & Maintenance Technical Guidance for Solar	21-11	OTP has yet to identify specific maintenance schedules or practices that will be used for vegetation onsite. To the extent practical, OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects.”

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			<p>Projects” -This is too vague. The planting of native grasses should be mandatory.</p>		
13	Fish and Wildlife	Prairie	<p>Potential Environmental Impacts Not Identified: Unbroken Native Prairie</p> <p>Possible Mitigation: Lidar imagery from the DNR suggests the presence of unbroken native prairie within the solar project boundaries on Buchholz land parcel #03000310231001, and Mark Sand and Gravel #06000010009000, #06000010008000. The DNR must do a ground survey to identify the unbroken prairie sites and solar panels should not be allowed on any of these areas to protect our rare natural resources.</p> <p>The Minnesota Dept. of Natural Resources Commercial Solar Siting Guide, p.2, states: Native prairie is grassland that has never been plowed and contains plant species representative of prairie habitats. In the mid-1800s, eighteen million acres of prairie covered Minnesota. Since then, more than 99% of native prairie has been destroyed, and the 1% that remains consists mostly of widely scattered fragments that are surrounded by agriculture and development. Due to the loss of this once widespread habitat, many species found only in prairie have become rare; more than one-third of Minnesota’s endangered, threatened, and special concern species are dependent on the remaining small fragments of prairie.</p>	13-9	<p>A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. All other parcels in the project area have been previously impacted through tilling, sand and gravel mining operations, excavation of artificial drainage systems, or other forms of development.</p> <p>It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock avoid.</p> <p>Although these areas may not have been plowed or disturbed, by using DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and exploring opportunities for pollinator-friendly plantings, the project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation.</p>

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13	Fish and Wildlife	Prairie	1. As with our One Mile property we understand that there are areas on the property to the East of us that also have native prairie on it. This land has never seen a plow and there is very little of this type of land left in the state of Minnesota. We would ask if this land could be identified and would not be developed for the project.	14-1	<p>A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. All other parcels in the project area have been previously impacted through tilling, sand and gravel mining operations, excavation of artificial drainage systems, or other forms of development.</p> <p>It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock avoid.</p> <p>Although these areas may not have been plowed or disturbed, by using DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and exploring opportunities for pollinator-friendly plantings, the project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Prairie	4. Partner with local conservation agencies to restore more than the targeted 16 acres of native prairie. Prairie plants grow and bloom at many heights starting with ground level in early spring. Species that reach less than 12 inches in height can be chosen to grow under the solar panels instead of placing gravel which will require spraying to maintain at a detriment to the very pollinators attracted to the fence line prairie plantings. Any restored prairie acreage can be included in the Fergus Falls Mayors Monarch Pledge.	15-6	<p>The specific seed mixes will be identified and included in the vegetation management plan. To the extent practical OTP will use DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and is committed to using native plantings in the project area. Gravel is not proposed in all areas under the solar array. Gravel pads or bases would be used only for inverter stations, operations and maintenance buildings, and access roads. These facilities make up approximately 8.2 acres of the total project area (355 acres). The rest of the project area would be vegetated. OTP will be using native plantings up to 2 feet in height around and under the solar panels. Revegetation in other places will not be limited to the 2-foot height limit.</p>
13	Fish and Wildlife	Prairie	<p>Identification of High Value Resources Pasturelands and unplowed or undeveloped land have the potential to contain native remnant prairie. Native prairie is grassland that has never been plowed and contains plant species representative of prairie habitats with complex plant and insect species diversity. In the mid-1800s, more</p>	6-2	<p>A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes.</p> <p>Although these areas may not have been plowed or disturbed, by using DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and exploring</p>

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			<p>than 99% of native prairie has been destroyed, and the 1% that remains consists mostly of widely scattered fragments that are surrounded by agriculture and development. While the Minnesota Natural Heritage Database records indicate no rare plant communities have been formally documented with the project area, potential remains for prairie remnants to occur within the project boundaries. Many lands throughout Minnesota remain un-surveyed.</p>		<p>opportunities for pollinator-friendly plantings, the project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Prairie	<ul style="list-style-type: none"> MDNR recommends an assessment of all grasslands or pasturelands that have not been previously plowed to determine if prairie remnants are located within the project boundaries. Surveys should be assessed by a qualified botanist or plant ecologist. Otter Tail Power should modify the project to avoid any impacts to prairie remnants, should one be documented. 	6-3	<p>A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. All other parcels in the project area have been previously impacted through tilling, sand and gravel mining operations, excavation of artificial drainage systems, or other forms of development.</p> <p>It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock avoid.</p> <p>Although these areas may not have been plowed or disturbed, by using DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and exploring opportunities for pollinator-friendly plantings, the project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Prairie	<ul style="list-style-type: none"> MDNR recommends any discovered prairie remnants be surveyed for rare species. Due to the rarity of native prairie, these remnants have high potential to contain state-listed species. The destruction of any state-threatened or endangered plants is regulated under Minnesota’s endangered species law (MINN. STAT. § 84.0895). MDNR maintains a list of surveyors qualified to perform rare species surveys and must approve any rare 	6-4	<p>A review of historical aerial photography dating back to 1939 indicates that only a portion of the Parcels #06000010008000 and #06000010004003 (approximately 17 acres) contain lands that may have not been plowed or otherwise disturbed for row crop agriculture and/or gravel mining purposes. All other parcels in the project area have been previously impacted through tilling, sand and gravel mining operations, excavation of artificial drainage systems, or other forms of development.</p>

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			species survey methods and protocols. For additional information, see the MDNR Endangered and Threatened Species Page.		<p>It should be noted that although not plowed, these areas were heavily grazed and contain stands of Canada thistle and other weeds livestock avoid.</p> <p>Although these areas may not have been plowed or disturbed, by using DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects” and exploring opportunities for pollinator-friendly plantings, the project is expected to increase the amount of grassland habitat as it converts a number of currently tilled areas into perennial vegetation.</p>
13	Fish and Wildlife	Wildlife	If the entire project is fenced, how will wildlife move?	10-2	<p>Small wildlife will be able to pass through the fencing. During detailed design, OTP will also consider making areas where mid-sized wildlife could pass (e.g., fox and coyote). Large species such as white-tailed deer will be restricted from the area by the height of the fence and will have to travel around the facility. The location of the fence is set back from the property line, which will allow for safe movement corridors around the project. A number of these setback areas will also be replanted with native plants, improving the area and providing additional cover and food sources.</p>
13	Fish and Wildlife	Wildlife	<p>Environmental Impacts Identified, but Not Adequately Addressed: Impact to wildlife, pollinators and the soil if native grasses and pollinator habitat is not required to be planted on a majority of the project site, and not required that wildlife friendly fencing is used.</p> <p>Possible Mitigation: Site Management - The entire site design should include installation and establishment of ground cover meeting the beneficial habitat standard consistent with MN Statutes, section 216B.1642. An EIS should require a planting plan accompanied by a completed BWSR “Project Planning Assessment Form” (Model Solar Ordinance - Minnesota (p.10))</p>	13-8	<p>OTP has yet to identify the specific seed mix that will be used; however, OTP has committed to meet the beneficial habitat standard as defined by Minnesota Statute 216B.1642 Subp 2. OTP has committed to using native plantings on the site where practicable in accordance with DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects.” Native plants up to 2 feet high will be planted under and around the solar panels, while taller plants will be planted along the fence, as appropriate.</p> <p>Wildlife-friendly fencing recommendations will be considered during final design of the project and will be implemented in areas where possible while also considering potential visual screening.</p> <p>Large-scale tree removal is not anticipated as part of the project. The current proposed design would require removal of approximately 10 acres of the 16.83 acres of trees on the project site.</p>

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			<p>Fencing - The city must update their solar ordinance to require the 8.61 miles of fencing to be wildlife friendly fencing in all areas possible to minimize impact, or this is completely left up to the developer to decide after the EAW is approved.</p> <p>Large-scale removal of mature trees should be discouraged.</p>		
13	Fish and Wildlife	Wildlife	4. It would be nice if this fencing would be wildlife friendly and not an eyesore.	14-4	OTP is planning to install a woven wire fence, which will be less visually intrusive than a chain link fence. Most wildlife species will still be able to access the area except for large species like white-tailed deer.
13	Fish and Wildlife	Wildlife	Wildlife—The area of this project is between and through areas where wildlife is known to move and use to get from the river and the area by the river, including Broken Down Dam Park and the Wetland Management Area to the south of 210- directly across the road from the project. Can corridors be provided for this movement?	20-3	Small wildlife will be able to pass through the fencing. OTP will also consider making areas where mid-sized wildlife could pass (e.g., fox and coyote). Large species such as white-tailed deer will be restricted from the area by the height of the fence and will have to travel around the facility. The location of the fence is set back from the property line, which will allow for safe movement corridors around the project.
13	Fish and Wildlife	Habitat	MDNR recommends Otter Tail Power work toward becoming a Habitat Friendly Solar project certified by BWSR. For more information visit the BWSR Habitat Friendly Solar Program Page.	6-17	OTP will review the requirements for becoming a Habitat Friendly Solar project and will consult with DNR as necessary. The specific seed mixes will be identified and included in the vegetation management plan. However, OTP has committed to meet the beneficial habitat standard as defined by Minnesota Statute 216B.1642 Subp 2. OTP has committed to using native plantings on the site where practicable in accordance with DNR’s “Prairie Establishment and Maintenance Technical Guidance for Solar Projects.” Native plants up to 2 feet high will be planted under and around the solar panels, while taller plants will be planted along the fence, as appropriate.
13	Fish and Wildlife	Plants	Vegetation MDNR recommends avoiding the use of turf grasses, as they attract geese, are less effective at capturing and	6-15	OTP plans to use native plant species to the extent possible for revegetation of the site. Native plants up to 2 feet high will be planted under and around the solar panels, while taller plants will be planted along the fence, as appropriate. In addition, these native plants will include native pollinator-friendly species.

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			filtering water runoff, and provide minimal habitat value for pollinators and smaller bird species.		
13	Fish and Wildlife	Plants	The EAW notes all disturbed areas will be planted to native seed mix according to MDNR’s Prairie Establishment & Maintenance Technical Guidance for Solar Projects but does not disclose the acreage to be planted in native vegetation. Conveniently, the MN Board of Water and Soil Resources (BWSR) has several low-growing native pollinator seed mixes designed for use under and around solar panels. In particular, the “low growing solar array mix south & west” seems most applicable for this site.	6-16	OTP plans to revegetate the site to the extent possible with native seed mixes. OTP has had preliminary conversations with a local ecological restoration company regarding local low-growing native pollinator seed mixes and appreciates the information provided from the Minnesota Board of Water and Soil Resources (BWSR). Native plants up to 2 feet high will be planted under and around the solar panels, while taller plants will be planted along the fence, as appropriate. In addition, these native plants will include native pollinator-friendly species.
13	Fish and Wildlife	Wildlife	Wildlife MDNR recommends using 3-4 strand smooth fencing that is 4-5 feet high. Including a top guard angled out and upward at 45 degrees with 3-4 strands of smooth wire (no barbs) that would discourage trespassing.	6-12	OTP appreciates the recommendation. However, for site security reasons, OTP plans to install an 8-foot woven wire fence that would include a top guard angled out and upward at 45 degrees with 3 to 4 strands of smooth wire.
13	Fish and Wildlife	Wildlife	Due to entanglement issues with small animals, use of erosion control blanket shall be limited to ‘bionetting’ or ‘natural netting’ types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction.	6-13	Thank you for the comment. OTP will use natural fiber erosion control materials.
13	Fish and Wildlife	Wildlife	I believe it is not clear how the project will protect the environment as set forth in Minnesota Rules 4410. This project is substantial in size and there are plans for a woven wire fence around it. A woven wire fence may allow for movement of some wildlife but it is still a significant barrier to others. This is a large concern. If the entire project is fenced, how will wildlife move?	7-1	Through project design and description, and the analysis provided in the EAW, measures to protect the environment or reduce impacts on it are included. For example, setbacks established around wetlands reduced the potential impacts on wetlands to 0.06 acre. The inclusion of stormwater and erosion control best management practices during construction will reduce impacts on water quality. The EAW also provides the necessary permit information that will be used to identify additional protective/mitigative measures to be included in project permits.

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					OTP intends to use a woven wire fence, which will allow the smaller wildlife to pass through the fence. OTP will also consider establishing access points for medium-sized wildlife. However, the height of the fence will deter white-tailed deer and require them to skirt the project. With the planned fence setback and revegetation, a wildlife corridor will allow for large species to safely travel around the project.
14	Cultural Resources	Survey	We recommend that a Phase I archaeological survey be completed. 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.	18-1	A Phase I archaeological survey is not considered necessary for this project. Based on information provided by the Minnesota State Historic Preservation Office, no archaeological or historic records have been found within the project area. Based on the lack of known sites and the past predominant agricultural use on these private lands, impacts on historic properties from the project are expected to be low. If an unmarked burial or skeletal remains are discovered during construction activities, OTP will comply with the necessary provisions of the Private Cemeteries Act per Minnesota Statutes Ch. 307. If a federal permit is required that triggers the need to comply with Section 106 of the National Historic Preservation Act, the federal permitting agency will guide any necessary compliance.
15	Visual	Lighting	Potential Environmental Impacts Not Identified: Lighting Possible Mitigation: Conduct an EIS and require a lighting plan that would need the approval of the RGU prior to construction. If lighting is part of this project, the city needs to update their solar ordinance to mandate the lighting be shielded and downcast so that it doesn't spill onto adjacent properties. (Note, this will be included the Aurdal Township's solar ordinance.)	13-10	The intent of the EAW is to provide sufficient information on the potential for a project to result in significant environmental impacts and to inform future permitting decisions. The EAW process is not an approval for the project, but rather a thoughtful approach to gathering necessary information for future decision-making related to the issuance of permits or other authorizations. OTP does not plan to construct an extensive lighting system for the project. There may be some security lights on the planned storage sheds or buildings. OTP will include measures to reduce light visibility from the site, such as shielding. Impacts from lighting were not found to significantly impact the environment compared to other sources of night light in the area.

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15	Visual	Screening	Leaving some of the established trees would relieve some of the eyesore effect	4-5	The current proposed design would require removal of approximately 10 acres of the 16.83 acres of trees on the project site. OTP will remove only those trees necessary for effectively constructing and operating the solar facility.
15	Visual	Screening	<ul style="list-style-type: none"> Also, consider visual screening plantings of shrubs and trees such as wild plum, chokecherry, and various species of dogwood to minimize visual impacts. 	6-11	Thank you for species recommendations to reduce visual impacts. During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.
15	Visual	Screening	<p>Potential Environmental Impacts Not Identified: Visual Impact/Screening</p> <p>Possible Mitigation: An EIS should be done to conduct an analysis of the potential visual impacts from the project. This includes solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects. A plan must be required to show vegetative screening or buffering of the system to mitigate for visual impacts. All screening must be installed on the developer’s property. The plan should also include the maintenance of the screening (e.g. if a bush or tree dies, the developer needs to replace it). A screening plan must be part of the RGU’s Special Use Permit application and require approval prior to construction. (References: Model Solar Ordinance – Minnesota (p.9), Stearns County, Land Use and Zoning Ordinance, 6-54)</p>	13-4	<p>The intent of the EAW is to provide sufficient information on the potential for a project to result in significant environmental impacts and to inform future permitting decisions. The EAW process is not an approval for the project, but rather a thoughtful approach to gathering necessary information for future decision-making related to the issuance of permits or other authorizations. Although adjacent landowners will be impacted by the sight of the solar facility, efforts will be made to minimize the impact through landscape screening.</p> <p>As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor plumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely.</p> <p>During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for specific screening and visual impact minimization requirements. However, that process is separate from the EAW process.</p>
15	Visual	Visual	How do you plan to minimize the visual impact?	1-1	During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests. Screening approaches will likely include plantings.

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15	Visual	Visual	<p>Recreation and Aesthetics The project is located immediately north of a federal Waterfowl Production Area (WPA), which is used by the public for recreational outdoor activities such as hunting, berry picking, photography, and bird watching. Solar panels would presumably be facing southward toward the WPA. In addition, a Reinvest in Minnesota conservation easement is located immediately to the west of the proposed project managed by Fergus Falls Fish and Game Club. The EAW does not assess potential visual and other impacts to users of these properties. State, federal, and non-profit conservation groups have expended a considerable amount of time and money to acquire and manage these properties for the conservation of natural resources and recreational use by the public.</p>	6-9	<p>The intent of the EAW is to provide sufficient information on the potential for a project to result in significant environmental impacts and to inform future permitting decisions. The EAW process is not an approval for the project, but rather a thoughtful approach to gathering necessary information for future decision-making related to the issuance of permits or other authorizations. Although adjacent landowners will be impacted by the sight of the solar facility, efforts will be made to minimize the impact through landscape screening.</p> <p>As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor plumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely.</p>
15	Visual	Visual	<ul style="list-style-type: none"> MDNR recommends at least 200 feet from these properties to minimize conflicts between recreational users and the solar facility. 	6-10	<p>We disagree that the project will create conflict between recreational users and the solar facility. There are no recreational areas within 200 feet of the proposed project. During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.</p>
15	Visual	Visual	<p>Also, this is going to be annexed into city limits and visible from 210, and come right next to the beautiful One Mile Lake Prairie trail area, and the recently constructed North Country National Scenic Trail trail-head (which is a great asset to this community)...If we take a look at the area: the rolling hills, wetlands, wildlife, existing trees and habitat...then ask ourselves..is this the best spot for a large-scale solar farm? I don't think so.</p>	8-3	<p>The proposed project would be constructed solely on private property in adherence to City ordinances and would be not affect any city trails or public areas.</p> <p>The EAW is not meant to approve or deny a project, but instead to act as a source of information to guide other approvals and permitting decisions. The EAW is meant be prepared as early as practicable in the project development process.</p> <p>During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests. Screening approaches will likely include plantings.</p>
15	Visual	Visual	<p>What about the visual coming into Fergus Fall from the east on State Hwy 210?</p>	20-6	<p>The project will be visible to those traveling along Highway 210. As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the</p>

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					impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor plumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely.
15	Visual	Visual	Although the sale may have not been finalized yet, I presume they are purchasing land south of east main which currently is listed as owned by Mark Sand and Gravel and are in the process of purchasing other land as well. This land extends south and meets highway 210. If this land is included in the solar farm it would mean everyone entering Fergus falls from highway 210 would be driving by nearly 500 acres of solar farm. This would also mean Ottetail power would own land north and south of east main street and anyone entering Fergus Falls from east main would be driving by hundreds of acres of solar panels to north and south of them--- Not aesthetically appealing for anyone driving into Fergus Falls. Also of concern is probable decrease land value of any home or property near this solar farm.	21-1	The project will be visible to those traveling along Highway 210 and Main Street. As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor plumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely. During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests. Screening approaches will likely include plantings.
15	Visual	Visual	Also of concern is the aesthetics. Some of this will be discussed in conjunction with the EAW; but ultimately Ottetail Power (OTP) wants to maximize land use which includes grading and 10 acres of tree removal. This in conjunction with the "security fence" is not a super inviting sight for people entering Fergus Falls on highway 210 or on east main street.	21-7	The project will be visible to those traveling along Highway 210 and Main Street. As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor plumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely.

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					During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.
15	Visual	Visual	I also have concerns that the OTC project is between Broken-Down Dam state park and 1-mile prairie (monarch way station and remnant prairie designations). It will also be a monolith to the North country trail system, state bike trail, and within view of Prairie wetlands. These areas are steadily growing in popularity and use. I can attest to the regular usage of Brokendown dam, 1-mile prairie & North Country trail. These areas are such a wonderful attraction to Fergus Falls and lots of visitors from out of state.	22-3	<p>The project will be visible to those traveling along Highway 210 and Main Street. As indicated by the mandatory EAW, the new development of a project site does not automatically result in significant impacts on the visual resources of the area. The EAW form identifies the impacts that, if significant, could result in the need for an EIS. It identifies impacts on scenic views or vistas, or impacts from vapor flumes or intense lights. There are no designated scenic views or vistas in the project area, and the project will not result in vapor plumes or require intense lights. Therefore, the potential for significant impacts on visual resources is unlikely.</p> <p>During detailed design, OTP intends to work with adjacent landowners and the City on specific project screening requests.</p>
17	Noise	Noise	Does the City have noise regulations for this type of project	4-16	The City's Code of Ordinances, Section 90.23, describes noise regulations associated with this project. Specifically, all construction activities would be limited to between the hours of 7 a.m. and 10 p.m. Monday through Friday, and the hours of 9 a.m. and 9 p.m. on weekends and holidays.
17	Noise	Noise	<p>Potential Environmental Impacts Not Identified: Noise (Construction, Panels Resetting)</p> <p>Possible Mitigation: 1. Construction Noise - The city allows construction between 7am-10pm M-F, and 9am-9pm on weekends and holidays. This project is going to be over an extended amount of time (OTP projects 8 t 10 months) and the noise of construction is not addressed in the EAW. An EIS is needed and should require piling installation timelines and durations. At a minimum, the city should update their solar ordinance to adopt Chisago County, p.8, #2, construction noise language, which will also be included in Aurdal</p>	13-12	<p>EAW Item #17 describes potential impacts associated with construction and operational noise. The EAW did not disclose all sources of noise but focused on the louder ones.</p> <p>The installation of small piles to support the solar infrastructure would probably be the loudest contributor to the construction noise levels. Depending on the size and type of pile driver, the noise level could be approximately 85 to 90 decibels (dB) at a distance of 50 feet. This would be reduced at 75 feet to approximately 82 to 87 dB (County of San Diego, 2015, <i>Soitec Solar Development Project Final Program Environmental Impact Report</i>, https://www.sandiegocounty.gov/pds/ceqa/Soitec-Solar-EIR.html). For comparison, a motorcycle is approximately 90 dB from 25 feet away, and a tractor/combine is approximately 95 dB from the source of the noise when in full operation and 80 dB when idling (Bliss, 2018, <i>Farming is Noisy Business – Don't Let it Steal Your Hearing!</i> University of Florida IFAS Extension, January 26,</p>

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			<p>Township’s ordinance: The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7am-6pm on Saturdays.</p> <p>2. Panels Resetting – The decibels of 150,000 panels resetting at the end of every day should be disclosed.</p>		<p>http://nwdistrict.ifas.ufl.edu/phag/2018/01/26/farming-is-noisy-business-dont-let-it-steal-your-hearing/).</p> <p>Some concern was raised about the sound of the tracking system. Based on additional discussions with equipment manufacturers, the anticipated level of noise of the tracking system is approximately 44 dBA over a 5-second period. For comparison, this is the same noise level of a library or a bird call.</p> <p>OTP will comply with any necessary noise restrictions required by the City.</p> <p>The City is currently reviewing its ordinances associated with solar development and will consider the need for a specific noise requirement. However, that process is separate from the EAW process.</p>
18	Transportation	Access	<p>The Plan to use 229th Ave for construction access to the project verses Main Street and access through the city. It was brought up at both the Dec 8 Mtg at City Hall and the Dec 17th online meeting with Aurdal Township that 229th Ave is not adequate for this access and that Dane Prairie Township is responsible for the maintenance of this road. If 229th Ave is not available for the construction traffic, it would directly impact those on Mt Faith, Main Street and Springen/Concord or other residential neighborhoods to move construction materials to the project area. There may need to be roadways built within the project area to provide access. Again what is the environmental impact of those other options.</p>	20-8	<p>Transportation is discussed in EAW Item #18. During construction, OTP will work with the appropriate entities to ensure the roads are maintained, and OTP would leave the roads impacted in the same or better condition than prior to construction.</p>
18	Transportation	Access	<p>3) The current gravel road from Hwy 210 is poorly maintained and less than an easy drive after any precipitation now, how will residents use it when an</p>	23-3	<p>Transportation is discussed in EAW Item #18. The existing traffic levels on Highway 210 and on Main Street, a gravel road, near the project area are low. The construction traffic would be split between the two access points and would be more appropriately described as 75 vehicles per access point, resulting in about 7 vehicles per hour at each site. Given the addition of construction-related daily trips, it is anticipated that the roadways would</p>

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
			estimated 150 semi trucks daily are hauling supplies during construction?		<p>have adequate capacity to accommodate the estimated increase in traffic during the 9-month period of construction. Therefore, impacts on transportation would not be significant.</p> <p>The construction vehicles accessing the site are listed in EAW Item #6.b. A few of the more common vehicles entering and existing the site would include worker traffic, grubbing equipment, delivery trucks, dump trucks, and watering trucks. OTP will work with the appropriate entities to ensure the roads are maintained, and OTP would repair construction-related damage and leave the roads impacted in the same or better condition than prior to construction.</p>
18	Transportation	Jurisdiction	The project representatives at the Aurdal township Zoom meeting didn't even know what entity is in control of those roadways. So obviously you haven't bothered to tell these entities of your plans to totally take over and destroy their roadways. Heaven forbid there is a need for fire or emergency vehicles into our developments during the construction period.	11-2	As discussed in EAW Item #18.c, OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction.
18	Transportation	Road Maintenance	What government entity will be responsible for maintaining Main Street during construction and afterward (Aurdal Township or City of Fergus Falls)? Would there be consideration made to pave this road? How does this impact any city/county-wide transportation plans for a possible north by-pass of Fergus Falls to connect Hwy 210 and County Road 1?	2-13	<p>As discussed in EAW Item #18.c, OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction. However, it is unlikely OTP would pave the roads for this project.</p> <p>As discussed in EAW Item #18.b, the project falls under the 2,500 vehicles per day and would not warrant a traffic study to include in future city/county transportation plans. The increase in traffic volume would be short-term and temporary.</p>
18	Transportation	Road Maintenance	What is the plan for remaking and upkeep of the horrible road known as Main Street	4-13	As discussed in EAW Item #18.c, OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction. However, it is unlikely OTP would pave the roads for this project.

EAW Item No.	EAW Subject	Comment Subtopic	Substantive Comments	Comment Letter ID	Response
18	Transportation	Road Maintenance	<p>Environmental Impacts Identified, but Not Adequately Addressed: Maintenance of Main St. and 229th</p> <p>Possible Mitigation: There is a long history regarding the maintenance of these roads. Grading alone will not be sufficient for the increased traffic and heavy construction vehicles. There must be a written agreement in place with Dane Prairie, Aurdal and Buse townships prior to construction starting so they are not financially liable for maintenance issues that will arise due to this project.</p>	13-23	As discussed in EAW Item #18.c, OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction.
18	Transportation	Road Upgrade	Blacktopping the road from Fergus Falls to Hwy 210 would go a long way to ease concerns	4-14	As discussed in EAW Item #18.c, OTP will work with the City and township on upgrading and maintaining the roads as necessary. OTP would leave the roads impacted in the same or better condition than prior to construction. However, it is unlikely OTP would pave the roads for this project.
18	Transportation	Traffic	Yet to add insult to injury the plan is to send 150 construction vehicles, from dawn to dusk, down our already poor roads, so that the nice citizens of Fergus Falls are not adversely affected by this project. Our only way out of Birchwood Estates and Wilmont Estates is 229th to Highway 210 and Main into Fergus Falls, your proposed route.	11-1	<p>Transportation is discussed in EAW Item #18. As noted in that section, both 229th Avenue North and Highway 210 would be used to access the site. The construction traffic would be split between the two access points and would be more appropriately described as 75 vehicles per access point, resulting in about 7 vehicles per hour at each site.</p> <p>The construction vehicles accessing the site are listed in EAW Item #6.b. A few of the more common vehicles entering and existing the site would include worker traffic, grubbing equipment, delivery trucks, dump trucks, and watering trucks. OTP would leave the roads impacted in the same or better condition than prior to construction.</p>
19	Cumulative	Development	Long Range Strategic Planning: Although presently retired, I previously served as the County of Otter Tail's County Administrator. Consequently, I am aware of the County Board of Commissioners' recent approval of a 20-year Long Range Strategic Plan that cites goals and objectives to	26-1	Thank you for your comment. EAW Item #9.a.ii describes the <i>Otter Tail County Long-Range Strategic Plan</i> and concurs with your conclusion that the proposed project is consistent.

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
			support “conserving energy and using renewable energy” and promotes “sustainable infrastructure practices that support resiliency and adaptability to climate events.” OTPC’s Hoot Lake Solar Project is consistent with this public planning endeavor.		
19	Cumulative	Development	What is the city's current plan for expansion? If not to the east (due to this project), then where?? Other communities have nearly doubled in size in the last 20 years (Alexandria, Detroit Lakes). How might this limit the growth Fergus Falls is trying to foster in recent years?	2-10	The EAW considers existing City plans in terms of development and growth in or near the proposed project. Undocumented, future planning by the Planning Commission is speculative and outside the scope of this EAW process.
19	Cumulative	Development	I think that OTP’s closing down the Hoot Lake Plant, the decommissioning of the dams on the river, the RTC, and other things around the areas are great examples of not looking at the long term effects of projects and what happens when they are left for the community to deal with. Who bears the cost after the profits have been taken away from the community? Who has to pay for long term maintenance and clean up? (The sewer line going over the river by Union is another example of potential cost to the city with the Hoot Lake Plant closing.)	20-11	OTP plans to have a decommissioning study performed soon after the project is operational unless otherwise required by the City. This decommissioning study would most likely be completed in the 2022 to 2023 timeframe in conjunction with OTP’s 2023 5-year depreciation filing with the MPUC. The decommissioning study results would ideally be incorporated into that depreciation filing. Currently, decommissioning studies for the OTP generating fleet are updated every 5 years in conjunction with OTP’s Minnesota 5-year depreciation filings and incorporate the latest cost structures, best practices, and policy updates that may have occurred since the prior study was performed. OTP believes a letter of credit or security instrument is unnecessary; however, OTP is familiar with providing financial assurance for closure and post-closure of solid waste management facilities under Minnesota Rule 7035, which authorizes several different options for financial assurance instruments, including a financial test demonstration authorized by Minnesota Rule 7035.2750.
19	Cumulative	Development	What does the planning commission see for the future growth of Fergus falls and how would this solar farm impact this planning?	21-2	The EAW considers existing City plans in terms of development and growth in or near the proposed project. Undocumented, future planning by the Planning Commission is speculative and outside the scope of this EAW process.
19	Cumulative	Economics	Has there been research about the economic impacts to nearby residents?	2-9	The City will use the analysis in the EAW and will apply the criteria for determining when an EIS is warranted or required as listed in Minnesota Rules 4410.1700 Subp. 7. The EAW analysis considers only environmental impacts. If through the EAW process, the RGU

<i>EAW Item No.</i>	<i>EAW Subject</i>	<i>Comment Subtopic</i>	<i>Substantive Comments</i>	<i>Comment Letter ID</i>	<i>Response</i>
					determines that an EIS is warranted because the impacts on the environment would be significant, then an EIS would be prepared that also evaluates the economic, employment, and sociological impacts.

DRAFT

ATTACHMENT C: MN DEPARTMENT OF COMMERCE SOLAR SIZE DETERMINATION

November 30, 2020

Randy Synstelien, Principal Resource Planner
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, Minnesota 56538-0496

Dear Mr. Synstelien:

Thank you for submitting the Solar Size Determination request for Otter Tail Power Company's (OTP) proposed 49.9 MW Hoot Lake Solar project in Otter Tail 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).

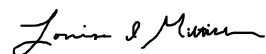
OTP is currently planning to build the project adjacent the Hoot Lake coal plant in Fergus Falls, which is scheduled to close in mid-2021. The project is just under the 50 MW threshold for triggering a state (Public Utilities Commission) review. OTP's size determination request suggests that the sizing of the facility capacity is due primarily to its intention to obtain a generator replacement interconnection agreement with MISO. As a note, even under Commission review, the project, being wholly within the city of Fergus, a home rule charter city, would not be subject to the prime farmland exclusion rule (MN Rule 7850.4400, subp.4) under the Power Plant Siting Act (MN Statute 216E).

Based on information provided by the Applicant, and based on criteria established in the statute, the Department has determined that the Hoot Lake Solar project is not associated with any other existing or planned projects that would require them to be combined into a single project. Since the project is under the 50 MW threshold, the Department determines that Hoot Lake Solar is not subject to the Public Utilities Commission's siting authority and may be sited under local authority. Under MN rule 4410.1500, OTP has already filed a required EAW, which Fergus Falls as the permitting authority has determined to be complete. A hearing date of December 8, 2020 and a comment period concluding December 30, 2020 have been set. The Department recommends that OTP include a copy of this determination in the hearing record.

If OTP alters the project size over 50 MW after receiving a local permit to construct the Hoot Lake facility, OTP must resubmit a size determination request with the Department. In the case of a dispute, the chair of the Commission shall make the final size determination.

I am available to answer any questions you might have.

Sincerely,



Louise Miltich
Energy Environmental Review and Analysis

cc: Bret Eknes, Public Utilities Commission

February 18, 2021

Project B2100521

Mr. Brian Yavarow, P.E.
City Engineer
City of Fergus Falls
112 W Washington Avenue
Fergus Falls, MN 56538

Re: Third Party Review of Hoot Lake Solar Project Environmental Assessment Worksheet (EAW) and Response to Public Comments

Dear Mr. Yavarow:

At your instruction, Braun Intertec has performed a third-party review of the Hoot Lake Solar Project (Project) Environmental Assessment Worksheet (EAW). The Project is proposed by Otter Tail Power Company (OTP) and will be a 49.9-megawatt alternating current (MW-AC) solar photovoltaic (PV) electrical generation facility near OTP's Hoot Lake Plant. The Project would be located on a site partially within the City of Fergus Falls, Minnesota, on approximately 450 acres of OTP-acquired lands that were previously primarily in agriculture. OTP is in the process of petitioning the City to annex the portion of the Project currently outside the City. Upon completion of the annexation process, the solar facility will be completely within city limits. The Project would include approximately 150,000 PV solar modules laid out in rows in a north-south orientation. A mandatory EAW was prepared as required by Environmental Review Rules administered by the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 Subpart 3, Electric-generating facilities

On November 27, 2020, the City of Fergus Falls (City), as Responsible Governmental Unit (RGU) for the EAW, made public notice and distribution of the EAW, and on November 30, 2020, public notice was published in the EQB Monitor. A public information meeting was held by the City on December 8, 2020 during the public comment period that ran from November 30, 2020 to December 30, 2020. Forty letters or emails were received from the public or agencies. Those comments were compiled by subject matter into a spreadsheet, and OTP and their consultant, HDR, drafted responses to comments. As the City's third-party consultant, Braun Intertec Corporation (Braun Intertec) reviewed the EAW, the public comments, and responses to the comments.

Around 180 individual comments were received during the public notice period. Responses to the comments were drafted by OTP and HDR. Through an iterative process of review and meetings, Braun Intertec provided feedback to the City, OTP, and HDR on the EAW and response to public comments. Braun Intertec reviewed the EAW, comments, draft responses to comments, then offered suggestions on over 40 comments/responses. Our suggestions focused on the following topic areas:

- Grading, erosion control, construction Stormwater Pollution Prevention Plan (SWPPP), and permanent stormwater control measures.
- The potential for release of contaminants, particularly heavy metals, from use or disposal of solar panels.

- Electromagnetic fields and potential for electrical interference in nearby residences.
- Setbacks and buffers.
- Impacts to wildlife movement and behavior from fencing and glare from solar panels.
- Use of natural fiber erosion control mats to minimize plastic pollution and risk to wildlife.
- Potential native prairie on project site and implications for project design.
- Section 106 of the National Historic Preservation Act (NHPA).
- Use of shielded lighting to minimize light pollution.
- Noise impacts from pile driving.
- Mitigation of impacts to roads from construction traffic.

A table with our review comments, professional opinion, and recommendations is provided as an attachment to this letter (Table 1. Braun Intertec Notes on Public Comments for Hoot Lake Solar Project EAW).

It is Braun Intertec's opinion that the EAW was prepared appropriately to meet the requirements of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 for an EAW. We believe the EAW adequately satisfies the criteria for an EAW, "which is designed to set out the basic facts necessary to determine whether an EIS [Environmental Impact Statement] is required for a proposed project or to initiate the scoping process for an EIS," (Minn. Rule 4410.0200 Subp. 24). An EIS is "...a detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a" (Minn. Rule 4410.0200 Subp. 26). An EIS is prepared:

"Where there is potential for significant environmental effects resulting from any major governmental action, the action must be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement must be an analytical rather than an encyclopedic document that describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement must also analyze those economic, employment, and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement must be prepared as early as practical in the formulation of an action". Minnesota Statutes, section 116D.04, subdivision 2a (a).

To determine if an EIS is warranted based on the potential for significant environmental effects as presented in an EAW, the RGU must consider the following factors (Minn Rules 4410.1700 Subp. 7):

- A. *type, extent, and reversibility of environmental effects.*

- B. *cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;*
- C. *the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*
- D. *the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

The EAW and response to public comments provide sufficient information for the City, as RGU, to decide on the need for an EIS. The type, extent, and reversibility of environmental effects are adequately addressed in the EAW and responses to public comments. In the EAW and in subsequent responses to comments, OTP has committed to numerous mitigation measures that will reduce and minimize detrimental direct, indirect, and cumulative environmental effects. Additional details on grading, stormwater management, and erosion control will be provided for review by the City during the local permitting process. Stormwater management will be designed to meet standards of MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater General Permit (MN R 100001). There are no other environmental studies, such as an EIS, that are available or necessary to determine the need for an EIS for this proposed project. In our professional opinion, an EIS is not warranted for the proposed Hoot Lake Solar Project. We recommend the City proceed with issuance of a Findings of Fact with a negative determination on the need for an EIS.

We appreciate the opportunity to assist you with this project. Should you have any questions or concerns regarding this letter, our findings, or professional opinion, please contact me at 612.817.7587.

Sincerely,


BRAUN INTERTEC CORPORATION



Daniel DeJooode, Ph.D., MWPCP
Senior Scientist



Travis Fristed, PWS, MWPCP
Senior Scientist, Group Manager



Jeff J. Smith, Director
Environmental Permitting and Compliance

Attachment: Table 1. Braun Intertec Notes on Public Comments for Hoot Lake Solar Project EAW

February 18, 2021		Braun Intertec Notes on Public Comment on Hoot Lake Solar Project EAW
EAW No	Comment ID	Braun Intertec Notes
6	13-11	Commenter asks for before and after grading map. Response discusses grading. We recommend also discussing possible impacts from grading and mitigation. Response says grading to acceptable range of equipment. Recommend adding erosion control and revegetation to emphasize grading will not have an adverse env affect that might result from slope.
6	13-20	We suggest more response to the comment on possible contaminants released from solar panels. Other comments refer to eventual disposal or recycling, and the response provided stated that panels will be recycled to the extent practical and otherwise disposed of appropriately. That response is adequate for other comments, but the response here should more directly address lead, cadmium, and other toxins. Will they be released during operation? Or is this only a decommissioning issue?
6	13-26	EMC study. They don't directly respond that a study isn't required. More detail to justify ? Ask OTP electrical engineers to estimate strength of EMF at edge of site and at select distances from site and evaluate effects at those distances.
6	15-7	I think this comment refers to decommissioning the existing coal plant rather than the proposed solar project. Decommissioning the coal plant is outside the scope of the EAW, but the response could briefly discuss the coal plant.
6	20-1	Add comment about SWPPP because that is additional mitigation for impacts from grading during construction
6	21-9	Response doesn't address animal mortality from vehicle accidents as an environmental impact. Suggest adding a statement about whether mortality will be significant.
7	13-14	Regarding prairie grass. HDR estimates 18.17 acres of brush/grassland. This may be the area estimated to be untilled after GIS review of historic aerials for evidence of tillage. That's the best that can be done to estimate native prairie during the winter. Summer surveys can better determine if any areas are native prairie and their condition. The DNR has guidelines for evaluating native prairie with condition/disturbance rankings and lists of plant species that either increase or decrease in response to grazing.
7		Table 3. Permanent stormwater management features are not accounted for. Impervious surface from panels can be assumed and calculated by acreage range based on conceptual layout.
9	2-4	No response provided
9	6-6	What would the setback from OHWM be based on the shoreland ordinance? The response should state what the set back will be based on the shoreland ordinance
9	13-3	Many comments state that the city is reviewing its ordinances and requirements for solar development. Is it possible to provide some indication of what is under consideration? I'm not sure what commenters are getting at when mentioning an ordinance. I wonder an ordinance was mentioned at a public meeting. There are many comments referring to a city ordinance on solar development.
9	21-13	This response should also addressing fencing as done in other responses.
9	22-6	Add text to repeat why this site was chosen - access to existing electrical facilities
10	13-15	Add statement to the effect that existing NPDES/SWPPP regulations are adequate to require control of erosion and sediment without need for an EIS.
10	21-10	No response provided
10	21-15	Regarding several comments about erosion control. The existing text mentioning NPDES and SWPPP is good, consider supplementing that grading plans and erosion control plans will be designed by licensed civil engineers and erosion control specialists, and SWPPP requires regular inspections and maintenance of erosion control measures.
10	22-1	Add text to refer to section of EAW on wildlife impacts
11	6-5	Comment is on negative effects of solar panels on wildlife use of wetlands. Response doesn't address that directly; it just states a CUP will be obtained and shoreland ordinance will be observed.
11	6-7	Provide statement of what buffer distance is required under shoreland ordinance
11	6-14	Several comments refer to plastic fiber in erosion control mats and hazard for release of plastic into the environment and risk of wildlife entrapment. The responses provide state that "natural fiber erosion control materials will be recommended..." A recommendation does not mitigate these risks. To fully mitigate these risks, OTP must commit to natural fiber materials or state that there is no regulatory requirement. The response as written does not fully address the concern of the commenter. Explain under what circumstances might not be used. How much area might be covered by erosion mats?
11	13-22	Question about whether OTP will commit to wetland restoration. Outside scope of EAW.

February 18, 2021	Braun Intertec Notes on Public Comment on Hoot Lake Solar Project EAW
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EAW No	Comment ID	Braun Intertec Notes
11	14-2	Project open to discussions of wetland restoration. Maybe add statement that wetland restorations are outside the scope of this EAW because they are not needed for mitigation for wetland impacts, but could be considered by OTP separately from this project.
11.b.ii		Page 17 Bottom of 3rd paragraph - "These stormwater ponds/sediment basins would be removed once 80 percent of the project site is stabilized". This statement does not meet Minnesota's NPDES Construction stormwater permit requirements. Please revise.
11.b.ii		Page 18 Bottom of 2nd paragraph - "These efforts would negate adverse impacts on waterbodies as a result of stormwater runoff from the Project, while improving water quality because of the filtering qualities of the vegetation". The proposed project will result in an increases volume of stormater runoff, rate, and concentrated flows. This legitimacy of this statement cannot be confirmed based on the conceptual string and panel layout. Please revise.
11.b.ii		Permanent stormwater management features are not accounted for.
11.b.ii		Altered drainge areas to surface waters is not addressed.
12	4-8	Monitor heavy metal byproducts. Refer to previous comment on potential for project to release heavy metals.
12	9-2	Refer to earlier comment on heavy metal leaching from panels. HDR reviewing public submitted papers on heavy metal and PFAS leaching from solar panels.
12	13-2	Refer to earlier comment on heavy metal leaching from panels
13	6-4	DNR recommends survey for prairie remnants and rare species. This should be a requirement for finalization of EAW. See text of EAW for details on TE review
13	6-13	Repeat note about requiring natural fiber erosion control matting
13	7-3	Response doesn't address portion of comment about sheep grazing. Coinsider adding note that fact that specific vegetation management techniques have not been determined isn't critical for an EAW that adequately addresses impacts and provides basis for determination of need for EIS
13	10-4	Lacking detail on vegetation management. A recent update noted that vegetation will be up to 24" high. No details on management - mowing, grazing?
13	12-1	Lacking detail - veg management
13	13-9	See earlier note on summer prairie survey
13	13-9	No land cover map. Should address if any unplowed land is proposed for construction. Response from HDR states that avoidance will be considered. Should provide a plan for survey and discussion of implications if avoidance is possible or not. does that mean project will be reduced or reconfigured? would that change the feasibility of the project?
13.c, d		Habitat fragmentation and loss of habitat corrdors and direct land use within the project site use by larger mammals (due to perimeter fence) was soemwhat acknowledged in the EAW, but more fully addressed in response to comments, in particular, it now appears that white tail deer would be the only wildlife fully excluded and unable to utilize the site as a habitat/movement corridor.
13.c, d		Acknowledging the potential effect of panel glare on waterfowl and migratory birds flight paths to/from the adjacent Otter tail River, USFWS waterfowl production area, and wetlands is not addressed.
14	18-1	Repond about applicability of 106 NHPA. If no federal trigger, explain that 106 doesn't apply.
15	6-10	incomplete response
15	13-10	Suggest stronger wording that OTP will mitigate lighting impacts with shielding
15		There is no discussion on perimeter screening to reduce ground level visual effects in the EAW, but responses to comments acknowledge that OTP will work with adjacent landowners and the City on project screening.
17	13-12	Need to address comment on concern regarding noise from driving pilings. Will pilings be required? Noise level dB? Distance to receptors? Mitigaiton by restricting timing?
18	23-3	Clarify who will repair existing public roads if damage occurs. Does OTP believe existing public roads are adequate as they exist? Commenter believes roads are in poor condition. The response states that OTP will work with city and county to repair roads. This is vague. Maybe more detail? Response says that vehicle traffic will be 7 per hour per access point. Provide interpretation of traffic volume. Is that bad? no effect?



Council Action Recommendation

Page 1 of 1

Meeting Date:

February 24, 2021 Committee of the Whole Meeting
March 1, 2021 City Council Meeting

Subject:

Data Request Policy and Data Request Forms

Recommendation:

Recommendation to the council to adopt an amended Data Request Policy

Background/Key Points:

In August of 2012, the City of Fergus Falls adopted Resolution #143-2012, approving a Data Practices Policy. The policy was developed to comply with the requirements of the Minnesota Government Data Practices Act found in Minnesota Statutes Chapter 13.

The policy is outdated and has been amended to reflect the appropriate references to state statute, how the data requests are received and processed and the timeframe in which these requests are received and responded to.

Budgetary Impact: None

Originating Department: Administration

Respectfully Submitted: Andrew Bremseth

Attachments: Data Request Policy and Data Request Form

CITY OF FERGUS FALLS PUBLIC RIGHT TO ACCESS DATA POLICY

PURPOSE: The purpose of this policy is to provide information on the public's right to access public data.

POLICY STATEMENT: The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data is public unless a state or federal law says the data is not public. Government data is a term that means all recorded information a government entity has, including paper, email, DVD's, photographs, etc.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

HOW TO MAKE A DATA REQUEST:

To look at data or request copies of data that this government entity keeps, you must make a specific written request to the city identifying the data you seek. Make your request for data to the appropriate individual listed in the Data Practices Contact list. You may make your request for data by mail, fax, or email, using the Data Request Form.

If you choose not to use the Data Request Form, your request should include:

- a. You, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13
- b. Whether you would like to inspect the data, get copies of the data, or both and
- c. A clear description of the data you would like to inspect or have copied

This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

HOW WE RESPOND TO A DATA REQUEST:

Upon receiving your request, we will work to process it. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days or as soon as reasonably possible
- If we have the data, but the data is not public, we will notify you within 10 business days or as soon as reasonably possible and state which specific law says the data is not public

- If we have the data, and the data is public, we will respond to your request within 10 business days or as soon as reasonably possible, by doing one of the following:
 - a. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data
 - b. Provide you with copies of the data within 10 business days or as soon as reasonably possible. You may choose to pick up your copies, or we will mail or email them to you. If you want us to send the copies, you will need to provide us with an address. We will provide electronic copies (such as email) upon request if we keep the data in an electronic format

Information about copy charges is noted below.

If you do not understand some of the data (technical terminology, abbreviations, acronyms), please let us know and we will give you an explanation.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request is paper only, we are not required to create electronic documents to respond to your request). If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

REQUESTS FOR DATA SUMMARY:

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare a summary of data if you make your request in writing and pre-pay/pay for the cost of creating the data. Upon receiving your written request, we will respond within 10 business days or as soon as reasonably possible with the data or details of when the data will be ready and how much we will charge.

DATA PRACTICES CONTACTS:

Responsible Authority

Andrew Bremseth, City Administrator
112 W Washington Avenue Fergus Falls, MN 56537
218-332-5403

Data Practices Compliance Official

Rolf Nycklemoe, City Attorney
106 E Washington Avenue Fergus Falls, MN 56537
218-736-5673

Policy adoption date:



CITY OF FERGUS FALLS DATA REQUEST FORM-PUBLIC

Contact Information

Name _____

Address _____

Phone _____ Email _____

Date of Request _____

I am requesting access to data in the following manner:

_____ Inspection _____ Copies _____ Both inspection and copies

Note: inspection is free, but we charge \$.25 per page for copies. There will be additional charges for CD's, photographs, postage etc...

This Is the Data I Am Requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use a separate sheet.

We will respond to your request within 10 business days or as soon as reasonably possible.

This section is to be completed by the City of Fergus Falls

Date Information Request Received _____ Sent _____

Designation of Requested Data

Public _____ Private _____ Non-Public _____

Confidential _____ Protected Non-Public _____

Approved by _____ Date _____

*Approval by the City Administrator is necessary for any data determined not to be public