

5.0 AGENCY AND PUBLIC OUTREACH

This section describes outreach efforts conducted by Regal Solar and discusses pre-Application involvement by federal, state, and local agencies as well as the public information outreach campaign. Throughout the process, Regal Solar provided opportunities for stakeholders and potentially affected landowners to participate in the siting process. This engagement provided Regal Solar with valuable insight into landowner and public agency preferences regarding development of Project facilities.

5.1 Agency Involvement in Pre-Application

As part of pre-Application efforts, Regal Solar initiated its outreach campaign to public agencies through in person meetings and Project notification letters. Many agencies, stakeholders, landowners, and interested parties, were contacted to gather feedback on the Project (refer to Table 5.1-1). This included meetings with the MDA, MNDOT, and township and county officials.

On September 11, 2018, Regal Solar sent an informal Project introduction letter and map to federal, state agencies (Appendix A). On March 13, 2019, Regal sent an introduction letter and map to local agencies and stakeholders with jurisdiction in the Land Control Area. Regal requested input with respect to the resources under their jurisdiction as well as the identification of permits and/or approvals that may be potentially required for the Project.

A representative letter and responses received as of July 2019 are included in Appendix A. A summary of responses and meetings with federal and state agencies is included below. Regal Solar will continue to coordinate with township and county officials as the Project moves forward and will seek any necessary local permits. Table 5.1-1 identifies agencies that were contacted through meetings or a notification letter and the date that the consultation was conducted.

Table 5.1-1 Regal Solar Agency Correspondence	
Agency	Response Date (Type)
Federal	
U.S. Army Corps of Engineer, St. Paul District and Brainerd Field Office– Regulatory Branch	October 22, 2018 (Agency response) May 13, 2019 (Agency response)
U.S. Fish and Wildlife Service – Twin Cities Ecological Services Field Office	No response to date
Federal Aviation Administration	October 12, 2018 (Agency response)
State	
Minnesota Historical Society – State Historic Preservation Office	April 18, 2019 (Agency response)
Minnesota Department of Natural Resources – Energy Projects Review – State Office and Region 3 (Central Region)	October 12, 2018 (Agency response) April 18, 2019 (Agency response)
Minnesota Department of Natural Resources – Natural Heritage Information System Review	October 11, 2018 (Agency response)

**Table 5.1-1
Regal Solar Agency Correspondence**

Agency	Response Date (Type)
Minnesota Department of Agriculture – Commissioner’s Office	October 5, 2018 (Agency response) April 9, 2019 (Meeting) June 27, 2019 (Agency Response) July 16, 2019 (Agency Response)
Minnesota Department of Transportation – District 3 (Central Region)	March 5, 2019 (Agency response) May 9, 2019 (Meeting)
Minnesota Department of Employment & Economic Development	No response to date
Minnesota Pollution Control Agency – Brainerd Office	December 6, 2018 (Agency response)
County	
Benton County – Board of Commissioners	May 7, 2019 (Letter of support)
Benton County – Department of Development	May 6, 2019 (Agency response)
Local Government Units	
Langola Township – Board of Supervisors	May 1, 2019 (Letter of support) March 12, 2019 (Meeting) April 4, 2019 (Meeting)
City of Rice – Mayors Office	No response to date
City of Royalton – Mayors Office	April 4, 2019 (Meeting)
Sauk Rapids-Rice School District	March 12, 2019 (Meeting)
Royalton School District	No response to date

5.1.1 Federal Agencies

5.1.1.1 U.S. Army Corps of Engineers

The Project may require authorization from the USACE for wetland impacts under Section 404 of the Clean Water Act. On October 22, 2018, the USACE responded to the Project introduction letter and provided information regarding the potential permitting process for the Project including requirements under Section 10 of the Rivers and Harbors Act, Sections 404 and 401 of the Clean Waters Act, as well as additional consultations that may be required for the Project.

On May 13, 2019, the USACE provided concurrence with the wetland delineation report submitted to the agency on May 3, 2019. The boundaries shown on the wetland delineation report accurately reflect the limits of the aquatic resources in the review area.

Regal will work with the USACE on temporary impacts to two farmed PWM wetlands identified by the Benton County TEP. Temporary impacts are anticipated to be authorized under NWP 51 – Land-Based Renewable Energy Generation Facilities.

5.1.1.2 Federal Aviation Administration

As noted in Section 4.2.9, Regal filed FAA 7460-1 Notice of Proposed Construction forms for the perimeter of the Land Control Area. On October 12, 2018, the FAA provided Determinations of

No Hazard to air navigation for each of the seven points around the Land Control Area. As such, Project facilities will not exceed obstruction standards and would not be a hazard to air navigation.

5.1.2 State Agencies

5.1.2.1 Minnesota State Historic Preservation Office

As discussed in Section 4.4, Regal Solar submitted a copy of its Phase I cultural resources inventory report to the Minnesota SHPO in March 2019. On April 18, 2019, the Minnesota SHPO responded and concurred with Area M's recommendations that the Project would not affect historic properties listed in or eligible for listing in the NRHP.

5.1.2.2 Minnesota Department of Natural Resources

The MNDNR responded to Regal Solar's Project notification letter on October 12, 2018 and provided copies of guidance documents the MNDNR has prepared for commercial solar projects, "Commercial Solar Siting Guidance" and "Prairie Establishment and Maintenance Technical Guidance for Solar Projects." These documents contain general guidelines and standard recommendations specific to commercial-scale solar projects. The agency also recommended that any new utility lines be built underground to avoid avian collisions; or, if underground lines are not feasible, that swan type bird diverters should be placed on any overhead transmission lines. Regal will coordinate with MNDNR on the use of bird diverters.

On October 11, 2018, the MNDNR NHIS program provided a response for rare species or other significant natural features known to occur within a one-mile radius of the Regal Solar Project. The state agency noted records of loggerhead shrike (state-listed endangered bird) and lark sparrow (bird of special concern) in the vicinity of the Project. MNDNR provided recommendations to minimize potential impacts to these birds (if the Project boundary contains undisturbed grassland) including avoiding tree and shrub removal during the breeding season (April – July), reporting loggerhead shrike sightings to MNDNR, and referencing a loggerhead shrike fact sheet. Regal has implemented these recommendations.

Regal Solar contacted the MNDNR on April 2, 2019 to request review of seed mixes that would be used to restore the Land Control Area after the Project facilities are installed. On April 18, 2019, the MNDNR responded with approval of the seed mixes proposed by Regal Solar.

5.1.2.3 Minnesota Department of Agriculture

On October 5, 2018, the MDA responded to the initial Project notification letter and requested a meeting with Regal Solar to discuss the Project and the siting decision process to date.

Regal Solar met with representatives of the MDA on April 9, 2019 to discuss the Project. Regal Solar and MDA discussed the Project's need to develop an AIMP and reviewed the AIMP's contents and site-specific characteristics. On May 23, 2019, Regal Solar provided a draft of the Regal AIMP; MDA reviewed and provided comments the draft AIMP on June 27, 2019. Regal provided a redline version of the final AIMP, including updates to address the agency's comments on July 16, 2019. The final draft AIMP is included as Appendix C.

5.1.2.4 Minnesota Department of Transportation

MNDOT provided early review comments on the Regal Solar Project on March 5, 2019. These early comments revolved around access, vegetation management, and permitting. Regal held a follow-up meeting with MNDOT on May 9, 2019 and confirmed that, according to MNDOT records, mesic prairie is not located within the Land Control Area and vegetative screening along Highway 10 is not necessary due to the existing vegetation present along the highway and overall low potential for glare.

5.1.2.5 Minnesota Pollution Control Agency

On December 6, 2018, the MPCA responded to the initial Project notification letter and provided information about construction and operational stormwater permits, including SWPPP development requirements, that may apply to the Project.

5.1.3 Benton County and Local Government Units/Stakeholders

Regal Solar hosted a meeting with LGUs on March 12, 2019 to provide an overview of the Project and an informational meeting on April 4, 2019 to introduce the Project to landowners within a quarter mile of the Land Control Area in addition to LGUs. Attendance from LGU representatives at these meetings is summarized in Table 5.1-1.

5.1.3.1 Benton County

On May 7, 2019, Regal received a letter of support from the Benton County Board of Commissioners. The Board of Commissioners stated that the Project, "...represents cost effective renewable energy generation..." and would enhance economic development in the county, contribute to tax revenues at the county and township level, benefit local school districts through the Education fund, and increase employment opportunities.

5.1.3.2 Benton County Department of Development

On May 6, 2019, the Benton County Department of Development provided a Notice of Decision concurring with the wetland boundaries and types in the amended wetland delineation report (April 22, 2019). Regal will coordinate with the Benton County Department of Development for temporary impacts to two farmed wetlands under the Minnesota WCA.

5.1.3.3 Langola Township

On May 1, 2019, Regal received a letter of support from the Langola Township Board of Supervisors. The Board of Supervisors stated its belief that the Project will have a positive economic impact on Benton County and Langola Township.