



## **BRAINERD PUBLIC UTILITIES**

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April 10, 2020

### **VIA E-FILING**

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

**Re: FERC Project No. 2533 – Brainerd Hydroelectric Project  
Response to Agency Comments on the Initial Study Report Meeting Summary - PUBLIC**

Dear Secretary Bose:

Pursuant to 18 CFR § 5.15(c)(5), Brainerd Public Utilities (BPU) herein electronically files this response to Federal Energy Regulatory Commission (FERC) staff and participant agency comments filed in connection with the Initial Study Report (ISR) submitted on January 24, 2020 and subsequent meeting summary submitted on February 10, 2020 for the relicensing of the Brainerd Hydroelectric Project, FERC Project No. 2533 (Project). The meeting summary did not include any proposed modification to studies that were performed or new studies.

The relicensing schedule provides 30 days from the filing of the ISR meeting summary for disagreements concerning the applicant's meeting summary and any proposed modification to studies or requests for new studies to be filed by interested parties (18 CFR § 5.15(c)(4)). Comments on the ISR were filed by FERC staff and the Minnesota State Historic Preservation Office (SHPO). There were no comments filed on the ISR meeting summary. There were no proposed modifications to existing studies nor requests for new studies. BPU does not have any second year studies planned.

### **ISR Comments**

**Comment 1** Please provide a map that identifies where ski trails are located in relation to the project boundary and include any existing information on seasonal use of the ski trails in the preliminary licensing proposal (PLP) or draft license application (DLA).

**Response 1:** *Maps identifying the locations of ski trails in relation to the project boundary and existing information on seasonal use of the ski trails will be included in the preliminary licensing proposal (PLP) or draft license application (DLA).*

Comment 2: Please provide a statement regarding the potential project-related effects of the three sites that underwent a Phase II assessment.

*Response 2: The Project operates as a run-of-the river Project maintaining a target elevation of 1174.04 feet (NGVD) with fluctuations limited to 0.1 feet. Due to the minimal fluctuation in the reservoir, we do not anticipate adverse effects at the three sites that underwent a Phase II assessment due to project-related operations and maintenance.*

Comment 3: Please file documentation of communication efforts/attempts to reach the landowner, including emails, copies of letters, landowner responses, or any other communication regarding these efforts.

*Response 3: The process for contacting landowners included locating contact information for each land owner and calling each landowner using the script below. If the landowner had further questions before giving permission, they were directed to Scott Magnuson, Brainerd Public Utilities Superintendent. If there was no answer after three attempts, it was assumed that we did not have permission to be on the property.*

*Script: I am calling on behalf of Brainerd Public Utilities to ask your permission to gain access to your property in order to conduct continued erosion monitoring as well as a cultural resource investigation in support of the Federal Energy Regulatory Commission relicensing of the Brainerd Hydroelectric dam.*

*Your property has been included in previous surveys which have indicated continued monitoring efforts would benefit the conservation of your property.*

*Additionally, a cultural resource site located on your property has been identified as needing further investigation in order to provide for its proper preservation.*

*The cultural resource investigation will require a small amount of earth disturbance, approximately 5 square meters. This work will occur during daylight hours between September 16 – 23, 2019.*

*As this activity is required by the Federal Energy Regulatory Commission in order to comply with relicensing the Brainerd Hydroelectric Facility, we greatly appreciate your cooperation and thank you for your stewardship of the Mississippi River.*

*The individual who lead the Phase II evaluation and contacted each of the landowners is no long with our consultant's company; therefore, the information they have for this specific landowner is limited to the script above. There is email documentation showing follow-up with another landowner, but not this specific one. Additional information is provided in the privileged correspondence.*

Comment 4: The APE maps will need to be rectified so that they clearly align with the narrative description of the FERC Project Boundary and mark existing conditions.

*Response 4: We are in the process of updating the maps so they more clearly align with the narrative description of the FERC Project Boundary and mark existing conditions. Updated maps are under development will be submitted to SHPO in response letter, which will be filed with the FERC.*

Comment 5: Identification efforts for the review of this undertaking will need to focus within the APE to determine whether previous surveys, including the nature and extent of archaeological survey and evaluations completed as part of the 1992 relicensing are still valid.

*Response 5: Once the APE has been defined and accurately documented, BPU will undertake a comprehensive literature review supplemented by additional field study (if necessary) within the APE and presented to SHPO for review and comment.*

Comment 6: Recommend that In future submittals, as delegated by FERC, BPU make formal determinations of eligibility for each property surveyed, based upon consultant's recommendations, and request SHPO review and comment per 36 CFR 800.4(c)(2).

*Response 6: In future submittals, BPU will make formal determinations of eligibility for each property surveyed, based upon our consultant's recommendations, and will request SHPO review and comment per 36 CFR 800.4(c)(2).*

All interested parties can access and download files related to relicensing for this Project on BPU's public website: <http://bpu.org/our-services/electric/hydro/> or the FERC website: <https://www.ferc.gov/docs-filing/elibrary.asp>. If you have questions regarding the ISR, you may contact Ms. Adèle Braun at 952-842-3703 or by email at [abraun@barr.com](mailto:abraun@barr.com) or me at 218-825-3213 or by email at [smagnuson@bpu.org](mailto:smagnuson@bpu.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'S Magnuson', with a stylized flourish at the end.

Scott Magnuson

Brainerd Public Utilities, Superintendent