

**DRAFT COMMENTS**

**In re the Application for Amendment of  
Crown Hydro LLC**

**Project No.: 11175-025**

**COMMENTS OF THE  
CITY OF MINNEAPOLIS**

**The City of Minneapolis makes these comments in response to Crown Hydro LLC's Request for Comments on the License Amendment Application for the Crown Mill Hydroelectric Project that was issued on July 30, 2015:**

1. These comments, in substantially final form, were reviewed by the Minneapolis City Council at its meeting on August 21, 2015, upon a referral from the City Council's Intergovernmental Relations Committee, where they were reviewed on August 13, 2015. At the August 21 meeting, the City Council took action to:

1. Receive and File the draft comments in response to the Federal Energy Regulatory Commission's (FERC) request for comments on the License Amendment Application for the Crown Mill Hydroelectric Project.
2. Authorize the Community Planning and Economic Development Department's Executive Director or the Director's designee or the City Attorney to submit comments on behalf of the City on the License Amendment Application for Crown Mill Hydroelectric Project that are generally consistent with the draft comments filed with the City Council.
3. Authorize the Community Planning and Economic Development Department's Executive Director or the Director's designee or the City Attorney to submit a new Motion to Intervene on behalf of the City on the License Amendment Application for Crown Mill Hydroelectric Project if needed.

2. Attached are specific comments on the draft documents, organized by page number. The City recognizes that other entities (including the National Park Service and Minnesota Department of Natural Resources) have the necessary skill sets to review the information relative to aquatic, terrestrial and similar resources, so we have not commented on those topics. Our general comments include:

A. The application currently does not address impacts to the historic resources in the St. Anthony Falls Historic District, including visual and physical impacts to historic integrity to the District and its elements. This is a serious shortcoming, and needs to be remedied. The City of Minneapolis requests to be added as a consulting party on the Section 106 process for this project. As these impacts may be significant, they may alter the scope of the overall project and should be fully evaluated before the project proceeds further.

B. While there has been some progress on responses to questions around impacts on aesthetic flows over the falls, there is still more to be done. The application's assumptions of acceptable flow levels is likely low, based on the potential outcomes of analysis that is still underway and other existing demands.

C. There is some dispute over the easement rights to this property between the applicant and the Minneapolis Park and Recreation Board. This needs to be resolved, without any action that would limit recreational use of the park area.

D. Generally speaking, there needs to be more clarity regarding the full range of impacts to this historic area, including noise, vibration, visual, structural, and accessibility, among others. This is

a vital natural and historic resource area, and this project is potential disruptive to it – both during construction and operation.

E. In summary, although the City does support the general concept of green and renewable energy sources, there are a number of substantive concerns about the existing proposal that need to be addressed before the City could support the project.

3. Specific Comments on License Amendment Application for Crown Mill Hydroelectric Project  
*Page numbers refer to PDF page numbers, since document doesn't have consistent numbering throughout*

- A. Page 12 – It sounds like there is still work underway to evaluate the stability and geological soundness of the Army Corps of Engineers' structures that would host the new hydroelectric facility. A timeline for completion and/or results are needed. This should also take into account the fact that the lock and dam system is now closed for the foreseeable future, and therefore may have different maintenance and upkeep of facilities than in the past.
- B. Page 13 – The flow measurements should take into account flood stage releases through the lock and dam, per guidance from the Army Corps of Engineers.
- C. Page 17 – The Minneapolis Park and Recreation Board disputes the applicant's statements regarding their ability to access and use an easement on Army Corps of Engineers' land that is currently being used by the Park Board. The City supports the Park Board in its assertion as to the legality of this easement.
- D. Page 66 – The City has continuing concerns about the negative visual impacts of the proposed above ground structures in the historic district.
- E. Page 76 – The City is concerned about the potential for low flows over the falls. While it is appreciated that there is a willingness to participate in the Xcel Energy low flow study, there are still unanswered questions regarding the priority given to access to flows when they are lower, and ultimately what level the flow will be at. The actual minimum flow may be over the 100 cfs cited in the document, as there is currently not agreement around that point and additional study to be completed.
- F. Page 110 – The City of Minneapolis requests that the City be a consulting party on the Section 106 process for this project. There is significant concern about the visual and physical impacts of this project on the contributing resources in the nationally designated St. Anthony Falls Historic District where this project is proposed. Impacts on historic resources are not currently addressed fully in the application, and it appears they may be significant during both the construction and operation phase. A historic properties management plan should be prepared. Changes to the project that may be required as a result of the Programmatic Agreement process have the potential to alter the overall scope of the project and therefore the license application.
- G. Page 115 – The language in 2.3.3.4 as to what Crown Hydro will do to enhance recreation in the project vicinity is not very specific. Any amended license should include requirements to make specific investments towards these ends, not just explore options.
- H. Page 120 – The project impact should take into account the 100 cfs of water passing through Mill Ruins Park and the amounts withdrawn for municipal water use.
- I. Page 138 – The Mississippi Central Riverfront Regional Park has been renamed the St Anthony Falls Regional Park. The plan has now been finalized and adopted, so descriptions and illustrations on the following pages should be updated with final versions.

- J. Page 139 – The closure of the Army Corps’ lock makes establishing a workable portage route critical. As acknowledged in the application, the turbulence that would result from the Crown Hydro operation at both the upstream and downstream ends of the operation would negatively impact use of those stretches of the River for recreational boating. The applicant has proposed an alternate portage route, but it seems to result in a much longer portage than what the Park Board’s Central Riverfront plan anticipates. A better option should be explored to allow for portage in this area.
- K. Page 146 – Most of the information in 3.3.7.1 focuses on whether any additional archaeological resources might be found during construction. A larger concern likely would be the potential impact on known resources in the vicinity of the proposed facility, e.g., the Stone Arch Bridge and underground mill foundations at the powerhouse end of the project. The USAF structure also has been identified as eligible for listing on the National Register of Historic Places. As noted in the National Park Service’s comments on the draft application, this project has the potential to impact the vulnerable sandstone layer that underlies all of these resources. A Section 106 Programmatic Agreement is needed as a critical guide to the project, and the City should be included as a consulting party to that agreement. Additionally, bonding or insurance should be required of the project, especially during the construction period, to cover the potentially sizable repair/restoration costs if the project resulted in any damage to those resources (e.g., a heavy equipment construction accident, a heavy rain/flash flood incident when the trench is open for tailrace installation or an undiscovered leak in the system during project operation that might undermine bridge or building foundations or the sandstone layer).
- L. Page 149 – Crown Hydro commits to absorb its proportionate impact of any changes to the aesthetic flow minimum, which is appropriate and positive. However, the application should discuss whether the project would still be financially feasible if the outcome of the Aesthetic Flow Adequacy Plan raised the minimum flow from 100cfs to a higher flow level. If the project were to become financially infeasible after construction due to this or other reasons, the project should be required to restore the project site to its original state so that it would not become a maintenance or safety liability for surrounding property owners.
- M. Page 150 – While the assessment does recognize some noise impacts during construction, there does not seem to be a mention of noise levels from ongoing operations. This should be assessed as part of the application process, along with any necessary mitigation measures. There should also be an assessment of potential impacts of vibration from ongoing operations particularly around the Stone Arch Bridge, as well as the gravity wall that will be breached by the project. Furthermore, there should be a full assessment of overall impacts on structural integrity of both the infrastructure and underlying geology of the area. Unless this information is included, there are concerns about how this project will impact the overall integrity of the area, both during construction and operation.
- N. Page 151 – The plan list does not include *Historic Mills District Master Plan and Update* (2001) or the *St. Anthony Falls Historic District Design Guidelines* (2012). Additionally the two regional park plans listed are actually the same document – the St. Anthony Falls Regional Park is the name for the park, but not the final version of the plan. The final approved version is the Central Mississippi Riverfront Regional Park Master Plan – it was approved in 2015. It is a Park Board plan, not a City plan. The application should directly address any

inconsistencies between adopted policies and the proposed project, and discuss how these will be remedied.

- O. Page 152 – The description of unique characteristics in the NEPA Intensity Criteria table should clarify that this is part of a nationally designated historic district.
- P. Page 210 – The archeological report indicated that all excavated subsurface borings produced cultural materials, and that “there appears to be an amount of integrity of cultural materials in the western portion of the project area.” This further suggests that more analysis is needed to determine the project’s impacts on historic resources through the Section 106 process.
- Q. Page 292 – It appears that there are still some concerns about clarifying title, ownership, and easement rights for the infrastructure in the area impacted by this project. This needs to be fully clarified. Additionally, there need to be fully developed agreements around maintenance and liability for infrastructure in this area, to ensure that it is well maintained into the future and any incidents can be handled appropriately. This should be addressed in the application.
- R. Page 406 – The City is also concerned about the stability and possible detrimental effects of the project on the Stone Arch Bridge, Mill Ruins Park and other historically sensitive features of the area, and do not feel the applicant’s response to these concerns has as yet been adequate. The Section 106 process is needed to explore these issues and potential remedies more in depth.
- S. Page 406 – The City is also concerned also about the potential effects of the proposed project on potential need of the to-be-closed lock for emergencies and for flood mitigation purposes. This needs to be addressed in the application.
- T. Page 407 – The City is also concerned that the project will be unmanned and controlled and monitored remotely, and recommends the applicant prepare an emergency management plan to ensure the safety and security of the project under unusual and emergency conditions.