TETRA TECH EC, INC.

Case Number PU-05-205

July 25, 2005

Ilona A. Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept.408
Bismarck, ND 58505-0480

Subject: **In the matter of FPL Energy Burleigh County Wind, LLC (Burleigh County Wind) and Central Power Electric Cooperative Inc. (Central Power)'s Amended Application for a Waver of Procedures and Time Schedules and Consolidated Applications for a Certificate of Corridor Compatibility and Route Permit for a 230-kV Transmission Facility in Burleigh County, North Dakota.**

The Amended Application for a Waiver of Procedures and Time Schedules and Consolidated Applications for a Certificate of Corridor Compatibility and Route Permit for a 230 kV Transmission Facility in Burleigh County, was submitted on June 22, 2005. The following provides an update of additional information and analysis completed since the filing of the Amended Application.

Since the proposed facility will interconnect into the Western Area Power Administration (Western) transmission system, Western is in the process of completing a National Environmental Policy Act (NEPA) review of this project. An Environmental Assessment (EA) of an area including the proposed transmission line has been conducted and the Draft EA is currently in the public review process. The EA will require that all environmental impacts are avoided or mitigated to "less than significant impact".

The document current supports a Finding of No Significant Impact (FONSI). This document will be signed following the conclusion of the public comment period and ongoing tribal and historical consultation.

Updates to the Amended June 22, 2005 Application

The following highlights the developments of the Proposed Action that have occurred since the filing of the Amended Application in June of 2005. Table 1 provides a status of project permits:

Table 1 - Project Permit Table

Permit/ Approval	Issuing Agency/ Entity	Status
National Environmental Policy Act – Environmental Assessment (EA)	Western Area Power Administration	Draft EA complete and filed for public comment. FONSI expected.
Section 404 Clean Water Act - Nationwide Permit 33 (wetlands disturbance of <0.10 acres)	US Army Corps of Engineers	Applications to be filed once wetland impacts are calculated.

Article 69-06: Energy Conversion and Transmission Facility Siting Act (transmission line >115kV)	North Dakota Public Service Commission	Application complete – PSC considering application.
Spill Prevention, Control and Countermeasure Plan (SPCC)	Environmental Protection Agency (EPA) and North Dakota Department of Health Environmental Health Section	Plan to be prepared prior to start of project operation.
North Dakota Permit for Construction Activity and North Dakota Water Pollution Control Act (NDR10-0000)	Environmental Protection Agency (EPA) and North Dakota Department of Health Environmental Health Section	Permit application to be filed prior to start of construction in accordance with State regulations.
National Historic Preservation Act and North Dakota State Regulations	North Dakota State Historic Preservation Office (SHPO)	Class I and III surveys complete. SHPO and Western issued conditional concurrence.
Native American Graves Protection and Repatriation Act	Western Area Power Administration	Traditional Cultural Property survey complete. Tribal consultation ongoing under NEPA.
Highway Crossing Permit	North Dakota Department of Transportation	Preliminary application submitted. Permit to be issued prior to construction.
Railroad Crossing Permit	Canadian Pacific Railroad	Preliminary application submitted. Permit to be issued prior to construction.
Zoning, Conditional Use Approval	Local Townships	To be completed prior to construction.

Wetlands – Nationwide 33 Permit Application

Wetlands in the immediate vicinity of the proposed facility have been surveyed in compliance with U.S. Army Corps of Engineers (USACE) requirements. These surveys revealed that there are four small sites along the proposed route that may be affected by construction activities. Central Power has recently filed for a USACE Nationwide Permit 33 application and will comply with the terms of the permit throughout project construction. Under the terms of this permit, permanent impacts resulting from construction would be less than 0.1 acre. This is below the threshold requiring a preconstruction notice or USACE Nationwide 12 Permit. Refer to Attachment 1 for this permit application.

Cultural Resources/ Tribal Consultation

To date, a Traditional Cultural Property (TCP) and Class III Pedestrian Archaeology Survey of the proposed transmission facility and Wind Energy Center have been completed. North Dakota State Historic Preservation Office (NDSHPO) was consulted before, during and after the field surveys. The field survey reports are attached. Based on the results of these surveys, and input from the NDSHPO and Native American Tribes, the proposed facility will avoid cultural resources and TCPs during construction of the proposed facility.

- Metcalf Archaeological Consultants conducted the Class III cultural resource inventory for the proposed facility. Refer to Attachment 2a for the Cultural Resources Inventory report.

- Metis Cultural Resource Consultants conducted a survey of traditional cultural properties within the immediate vicinity of the proposed facility. Refer to Attachment 2b for the Traditional Cultural Property Survey.

Consistent with the National Historic Preservation Act (NHPA) of 1966, Western is responsible for Section 106 consultation with the North Dakota State Historic Preservation Office (NDSHPO) and the North Dakota Intertribal Reinterment Committee (NDIRC). To date Western has achieved conditional concurrence with the NDSHPO.

Highway and Railroad Crossings

The transmission line will cross one existing North Dakota Department of Transportation Highway right of way (U.S. Highway 83) and the Canadian Pacific Railroad. The highway crossing permit (preliminary application and letter) was part of the June 22, 2005 filing. The railroad crossing permit application will be been submitted per the attached letter from Canadian Pacific Railroad (Attachment 3).

Draft Environmental Assessment

Western Area Power Administration (Western) has initiated the National Environmental Policy Act (NEPA) process for the proposed transmission facility and Wind Energy Center. A full Environmental Assessment of the proposed project has been conducted. Preliminary findings by Western indicate that the project will result in no significant impacts. An original with 10 copies of the Draft EA, currently under public review, will be submitted to PSC by Western under separate cover.

Revised Figures and Exhibits

Project plans and profiles were submitted by Central Power to the Public Service Commission. Revised figures depicting the proposed facilities and transmission line route along with exhibits depicting the typical design of the proposed facilities are attached (Attachment 4).

Agency Consultation

Documentation of Western and NDSHPO's conditional concurrence under Section 106 of the National Historic Preservation Act is attached (Attachment 5).

Please call should you have any questions (617) 457-8205.

Very truly yours,

Mathew Kearns
Senior Energy Consultant

Enclosures

cc: Burleigh County Auditor

Attachment 1

MAXIM TECHNOLOGIES
A DIVISION OF TETRA TECH, INC.

618 South 25th Street (59101)
P.O. Box 30615 (59107-0615)
Billings, MT

Office 406.248.9161
Fax 406.248.9282

July 22, 2005

U.S. Army Corps of Engineers
ATTN: **Jason Renschler (701.255.0015)**
1513 South 12th Street
Bismarck ND 58504

SUBJECT: Nationwide Permit Application: Central Power Electric Cooperative, Inc. Burleigh County, North Dakota (Maxim Project # 5550746.310)

Maxim Technologies has been retained by Central Power Electric Cooperative, Inc. (Central Power) to prepare an application for a Nationwide Permit (NWP) #33 for temporary impacts associated with construction access during the construction of a 230-kV electrical transmission facility located in near Wilton, Burleigh County, North Dakota. The facility will be constructed in conjunction with the Burleigh County Wind Energy Center. The permit application and a detailed project description, including construction methods, are enclosed with this letter. Central Power's general manager has designated me as their authorized agent for this permit application.

A portion of the construction of the project may also involve additional construction activities (excavation of pole foundations) that will impact potentially jurisdictional waters of the United States (U.S) at one site shown as Site B in **Figure 2** of the permit package. These impacts however, will be less than the 1/10 of an acre notification threshold requirement for NWP 12. A description of these impacts is also attached. It is our understanding that for impacts of this size and type, no permit will be required. We request your concurrence that a permit is not required for these impacts and application for a NWP 12 need not be submitted.

A separate NWP 33 permit application has been submitted by FPL Energy Burleigh County Wind, LLC for the remainder of the proposed project. A formal review of this entire project, including the wetland disturbances, is ongoing in accordance with the requirements of the National Environmental Policy Act (NEPA). Western Area Power Administration is the lead agency in the preparation of this document and is actively engaged in consultation with USFWS and NDSHPO.

If you have any questions regarding this submittal, please contact me at 406.248.9161.

Thank you for your assistance.

Maxim Technologies
A DIVISION OF TETRA TECH, INC.

Judd Stark
Project Manger,
Natural Resources

Enclosure

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)	OMB APPROVAL NO. 0710-0003 Expires December 31, 2004

The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE *(an agent is not required)*
Central Power Electric Cooperative, Inc.	Judd Stark (Tetra Tech, Inc.)
6. APPLICANT'S ADDRESS Tom Meland – General Manager Central Power Electric Cooperative, Inc. 525 20th Ave Southwest Minot, ND 58701	7. AGENT'S ADDRESS 618 South 25th Street Billings, MT 59101
7. APPLICANT'S PHONE NOS. W/AREA CODE	10. AGENT'S PHONE NOS. W/AREA CODE
a. Residence 701-721-1438 b. Business 701-852-4407	a. Residence 406-671-3961 b. Business 406-248-9161

11. STATEMENT OF AUTHORIZATION

I hereby authorize Judd Stark to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

Original Signed Copy Submitted to USACE, Bismarck, ND — 7-21-05

APPLICANT'S SIGNATURE — DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE *(see instructions)*

Burleigh County Wind, LLC – Wind Energy Center and Transmission Line

13. NAME OF WATERBODY, IF KNOWN *(if applicable)*	14. PROJECT STREET ADDRESS *(if applicable)*
Burnt Creek and other unnamed drainages.	
15. LOCATION OF PROJECT Burleigh (COUNTIES) — North Dakota (STATE)	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

Transmission line would also include Sections 22, 23, and 24, Township 142 North, Range 80 West and Sections 17 and 19, Township 142 North, Range 79 West.

17. DIRECTIONS TO THE SITE: See ATTACHMENT A

18. Nature of Activity *(Description of project, include all features)*

The project includes the installation of overhead transmission lines. Temporary disturbances would be required in association with project construction. A description of the project and project construction methodology is provided in Attachment B. The location of the project is shown in Figure 1 and the precise locations of proposed temporary wetland impacts are shown in Figure 2.

19. Project Purpose *(Describe the reason or purpose of the project, see instructions)*

To allow for construction of the Burleigh County Wind Energy Project and associated facilities. This project will produce up to 50MW of renewable energy averaged annually.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Temporary access during construction. See attached description of construction methods (Attachment B).

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Temporary crossings consisting of at grade fills and/or culverted temporary crossings consisting of geotextile, culvert and coarse rock fills. Some crossings may be made using only wooden matting. See attached description of construction methods (Attachment B).

22. Surface Area in Acres of Wetlands or Other Waters Filled *(see instructions)*

Wetlands will not be dredged or permanently filled in conjunction with construction access for the proposed project. See attached description of construction methods (Attachment B).

23. Is Any Portion of the Work Already Complete? Yes _____ No ___X___ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

See Attachment C.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
NONE YET RECEIVED Working with Western Area Power Administration to process request for interconnect.					

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE
			7-21-05

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

ATTACHMENT A
DIRECTIONS TO THE BURLEIGH COUNTY WIND PROJECT SITE

Directions to the Burleigh County Wind Project:

		Miles
Start:	Depart Bismarck, North Dakota, United States on I-94 Bus [E Main Ave] (East)	
1:	Turn Left (North) onto SR-1804 [N 9th St]	0.8
2:	Turn Right (East) onto SR-1804 [State St]	1.1
3:	Road Name Changes to US-83 [SR-1804]	22.7
4:	Turn Right (East) onto SR-36 to 52nd Street	4.0
5:	Turn Right (South) onto 52nd Street	2.0
6:	Substation Location located at the corner of 52nd Street and 279th Avenue	End
	Total Distance=	30.6

ATTACHMENT B

Central Power Electric Cooperative, Inc.
230 kilovolt (kV) Transmission Line Project
Burleigh County, ND

Nationwide 33 Permit Application
Construction Specifications

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1.0 Introduction

Burleigh County Wind proposes to construct a wind generation facility with an output of no more than 50 MW, averaged annually. In order to allow transmission of the electricity generated at this wind farm, Central Power Electric Cooperative, Inc. (Central Power) proposes to construct approximately four miles of 230 kilovolt (kV) transmission line. The proposed project is located in Burleigh County, North Dakota **(Figure 1)**. The proposed 230-kV transmission line and associated structures, equipment, and facilities would be constructed, owned, and operated by Central Power. The transmission line would run west from the proposed Burleigh County Wind collector substation and interconnect with Western Area Power Administration's (Western's) existing Garrison-Bismarck Transmission Line, located 3 miles south of the town of Wilton, North Dakota, near State Highway 83. The proposed project is scheduled to be operational by December 31, 2005. A description of the proposed project is presented in Section 2. Construction of the Central Power transmission line is expected to be completed in approximately two to three months from start of construction.

Jurisdictional waters of the United States (U.S.), including wetlands, are potentially present at several locations along the proposed transmission line corridor. If avoidance of waters of the U.S. is not possible during construction, crossing of these waters would be required for construction access. Crossing of flowing waters of the U.S. may also be required. Various crossing strategies may be employed with some crossings requiring temporary fills. The implementation of these crossing strategies would result in temporary disturbances. A description of the project is provided in Section 2.0. The crossing strategies and the associated disturbances, other potential disturbances and proposed construction methodologies are discussed in Section 3.0. Restoration and reclamation methods to be used are presented in Section 4.0. A crossing installation protocol developed for use on this project is included in Section 5.0. Best Management Practices (BMPs) are presented in Section 6.0.

2.0 Project Description

The proposed transmission line is composed of approximately 50 steel poles places as shown in **Figure 2**.

The final location of all structures is not known at this time. Siting considerations include:

1) Wetland boundaries based on the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) database.
2) Extent of cultural and historic resources as identified through pedestrian survey.
3) Acquisition of landowner and other legal agreements related to construction.

Construction of the transmission line would be of relatively short duration. Central Power expects to bring the proposed transmission line online in a matter of months once easement agreements and environmental reviews have been completed, and construction permits are in place. Although construction impacts would be temporary and short lived, heavy equipment, including bulldozers, graders, trenching machines, concrete trucks, flatbed trucks, and large cranes, would be required.

Transmission line construction typically occurs in the following sequence:

Civil Construction – Usually performed about three to six weeks before any other phase of construction begins. Construction entails surveying, cleaning, grubbing, grading, excavation, and foundation construction. In connection, it would also include civil work on support facilities such as laydown areas (approximately three acres), portable ready mix facilities, if applicable, construction office, and employee parking areas (approximately two to three acres). Gravel for the project would be provided by a local contractor. The selected contractor's gravel source is located in the E ½ NW ¼ Section 27, T 144 N, R 80 West.

Delivery and Access – Major components such as poles and power cable would be delivered to the laydown area site by flatbed, semi-tractor-trailers.

Heavy equipment related to the construction phase would access the wind energy center site via the existing gravel roads 66th Street, and 52nd Street traveling south off of Highway 36 and off of Highway 83. Access roads constructed on existing street and avenue routes would be graded and compacted to a total width of 35 feet for large crane travel.

Electrical – Includes the underground collection system that interconnects into Western's transmission system via a central substation located within the wind farm, overhead high-voltage transmission lines and an substation/switching interconnect with Western's existing Garrison-Bismarck Transmission Line. This phase typically starts three to four weeks after the civil construction phase.

Structural – Encompasses pole assembly and erection onto pole foundations. This phase would also include installation of all mechanical and electrical systems associated with the transmission line. Typically, this phase would occur six to eight weeks following the beginning of civil construction.

Testing –This phase would include all the testing required to ensure for safe and efficient operation of the transmission line.

Restoration and Final Project Completion – This final phase in transmission line construction would entail restoration and clean-up of all project disturbances. Erecting necessary signs and gates, identifying permanent operations and maintenance facilities on the final walk-down, and acceptance of the project would be included in this final task.

Photographs depicting a typical transmission line are presented in **Appendix A**.

3.0 Crossing Strategies/Potential Disturbances

In order to facilitate construction of the transmission line, wetland areas may need to be crossed with construction equipment. The locations at which crossings may be made for access during construction are shown on **Figure 2**. Crossings would be designed to be temporary in nature. Wetland crossings would be made in a manner which would not result in permanent impacts to these wetland areas and to maintain preconstruction downstream flow conditions by not permanently restricting or impeding passage of normal or expected high flows. The crossing designs would provide for retaining excess flows from the site. Stream channelizing would not be performed during crossing installations. The disturbances which may occur during construction activities associated with the presented are presented in the following sections which describe the various project components.

3.1 Access for Construction

Existing public roads in the immediate vicinity of the project would provide access to most of the pole locations along the transmission line corridor. For installation of transmission line poles and cable stringing operations following pole installation, low-ground pressure construction equipment would be used to facilitate access within the transmission line corridor.

3.2 Site Access and Wetland Crossings

Access for construction may require installation of temporary crossing structures at any one or all of the sites (A, B, C, D) identified in **Figure 2**. If required at these sites, one of the following four types of temporary crossings would be constructed:

1) Crossings of wetlands with construction equipment using wooden matting;
2) At-grade crossings of non-wetland, dry-bed waters of the U.S. without dredge or fill;
3) Crossings of non-wetland, dry-bed waters of the U.S using geotextile and course rock fill, and;
4) Culverted crossings using geotextile, course rock fill and culverts.

Equipment crossings in wetland areas which do not have defined channels would be restricted to crossing on wooden mats to prevent compression and or disturbance of wetland soils. Non-wetland, dry-bed waters of the U.S. would be crossed without dredge or fill. Areas with water in defined channels would be crossed at temporary, at-grade crossings or culverted crossings to prevent permanent impacts to these areas. Crossing of areas which have a combination of a defined channel and adjacent wetland

areas may require the use of wooden mats and installation of a temporary at-grade or culverted crossings. Drawings depicting typical crossing designs are presented in **Appendix B**. A crossing installation protocol developed for use on this project is included in Section 5.0. Best Management Practices (BMPs) are presented in Section 6.

3.3 Tree Removal

Tree removal is only expected to occur at site C as shown on **Figure 2**. Tree removal would be minimized to the extent practicable to allow for safe and efficient management of the transmission line construction activities. Tree removal would be limited to clearing using chainsaws and hand cutting tools. No mechanized land clearing (dozing) would be performed. Mechanized equipment may be employed to facilitate removal of cut trees from an area requiring tree removal. Trees over 6 inches diameter breast height (dbh) would be inventoried by species prior to removal. Cut trees and brush would be disposed of depending on specific agreements with the owners of the cleared site.

*3.4 Laydown Areas (construction staging***)**

Laydown areas for use during construction would be located at sites that limit the potential for impacts to wetlands and other sensitive environmental resources. Laydown areas associated with the transmission line would be located in the same area adjacent to the collector substation footprint shown in **Figure 2**. This laydown area would serve as the temporary storage location for power poles, conductor spools, and other transmission line materials and equipment during the construction period. No wetland disturbances or impacts are anticipated in association with wetland areas.

3.5 230-kV Transmission Line Pole Installation

Boring equipment would be used to facilitate the installation of transmission line poles. Spoil removed during boring activities and not used for backfill during pole installations would be removed to adjacent upland areas. Poles may be installed in areas of saturated and hydric soil, but these installations would not result in fill amounts totaling more than a 1/10 of an acre for the entire project (below threshold for NWP 12 permitting) and would likely consist of, at most, 200 square feet of permanent disturbance.

Steel poles would be spaced approximately 450 to 500 feet apart along the transmission line to support the overhead conductor. An illustration of the poles that would be used for the 230-kV transmission line is shown in **Attachment 1**. Poles would be approximately 30 inches in diameter at the base and approximately 75 feet tall. Tangent poles would be fastened to four-foot diameter drilled concrete pier foundations via anchor bolts for small angles and to a six-foot foundation for large angles and dead-ends.

These spacing standards would require approximately 11 to 12 structures per mile of transmission line. The precise spacing and number of poles required is dependent on final engineering and design with measures taken to account for topography and avoid sensitive sites such as wetlands.

Estimated disturbance at each pole would likely average 50 feet by 50 feet and would be confined within the 133-foot ROW. Activities within the ROW associated with pole construction would include the following:

1) Pre-Construction – Includes activities such as environmental, geotechnical, cultural, avian, micro-siting, engineering, design, land procurement, various utility studies, and major procurement.
2) Surveying – Initial line-survey work, consisting of survey control, route centerline location, profile surveys, and access surveys.
3) Steel-pole Structures – Vegetation would be removed from a limited area at structure locations. Once any vegetation is removed, holes would be drilled for structures using a truck-mounted auger.
4) Delivery and Assembly – The steel-pole structures would be transported to the erection sites on flatbed trucks. The footings of each would be backfilled with 1.5-inch rock and tamped into place to prevent structure movement or settling. Final structure assembly and hardware placement would be completed using man-lift trucks.

The overhead wires would be pulled using standard line pulling techniques as shown in the **Attachment 2**. Sites A, B, C, and D may require temporary wetland disturbances in association with construction of this facility.

3.6 230 kV Transmission Line Installation

Lines would be connected to the steel poles at a minimum height of 40 feet and maximum height of 82.5 feet. Between poles, the line would sag under its own weight. The minimum height above ground that would be maintained along the length of the line is 26 feet.

The 230-kV transmission line would cross U.S. Highway 83 and tracks of the Canadian Pacific Railroad. The minimum pole distance from the highway would be 67 feet and the minimum height of the conductor above the highway would be 30 feet. At the railroad crossing, the minimum pole distance from the track would be 55 feet and the minimum distance from the track to conductor would be 33 feet.

Debris associated with the transmission line construction may include construction materials such as packaging material, insulator crates, conductor reels, and wrapping. This debris may also include excess excavated soil and removed vegetation. Materials with salvage value, including conductor reels, unused conductor and hardware, poles, and other materials, would be removed from the site for reuse. Excess soil and vegetation would be distributed along the transmission ROW in accordance with applicable regulations and landowner request, but would not be placed in wetlands or other aquatic resources.

Solid waste would be temporarily stored within the ROW or within the temporary construction easements, and then transported to appropriate disposal facilities. Debris would be disposed of in accordance with federal, state, and local regulations.

The overhead wires would be pulled using standard line pulling techniques as shown in the **Attachment 1**.

3.7 Other Facilities

Other facilities to be constructed in association with project development include a temporary tap to the existing Bismarck-Garrison Transmission Line, and a permanent switching station adjacent to this same line, as shown in Figure 2. These facilities will not result in impacts to waters of the US and are therefore not discussed in further detail.

3.8 Material Disposal

Spoil from the borings, which is not used for backfill, and materials removed from the site of temporary crossings and other excavations would be disposed of in accordance with State and local regulations and in consideration of landowner wishes. Materials would not be placed in positions where fill of wetlands or exceedence of permit requirements would result.

3.8 Dewatering and Stormwater Plans

A Stormwater Pollution Prevention Plan in compliance with Federal, State and local environmental regulations would be developed and implemented. The North Dakota State Department of Health would be consulted in the development of this plan.

4.0 Mitigation Activities

The following mitigation measures would be implemented to reclaim sites and minimize impacts from the construction outlined in Section 2.

4.1 Revegetation

Construction activities may disturb soils and vegetation to an extent that would require some regrading and reseeding following completion of operations. Should such disturbance occur, these soils would be smoothed to the natural contours of the surrounding areas and reseeded with native perennial species compatible with the surrounding vegetation. If surface disturbance does not significantly impact nearby vegetation, plants may regenerate or sprout from onsite propagules, thus negating the need for further

action. Routes necessary to maintain access to the site would remain cleared of vegetation and some coarse surface material may be left in place to ensure access is possible during adverse weather conditions. Road surface materials would not be placed in waters of the US and wetlands would not be impacted by regrading or resoiling activities associated with this project as proposed.

4.2 Soil Stabilization and Erosion Control

Construction activities would include implementation of the Stormwater Pollution Prevention Plan. In addition to this, soils at risk to erosion would be identified and the need for placement of additional silt fence or erosion control matting would be evaluated. At this time, such activity is not anticipated.

5.0 Crossing Protocol

The following protocol would be followed for all wetland/Waters of the U.S. crossings authorized by this nationwide permit.

1. Document Site with photographs and measurements including tree counts as appropriate.

2. Select Construction Option
   a) Crossings of wetlands with construction equipment using wooden matting;
   b) At-grade crossings of non-wetland, dry-bed waters of the U.S. without dredge or fill;
   c) Crossings of non-wetland, dry-bed waters of the U.S using geotextile and course rock fill;
   d) Culverted crossings using geotextile, course rock fill and culverts.

3. Following completion of construction activities, installed structures should be removed.

4. The crossing location would be regraded and reclaimed (restoration) and would include the following:
   a) Complete removal of culverts, course rock fill and/or geotextile.
   b) Regrade the crossing site to pre-installation contours if required based on the disturbance.
   c) Reseed the disturbed area with the specified seed prescription (Land owner specified or native mix). If trees have been removed, replace in-kind at the specified replacement ratio.

5. Document completion of Restoration Activities
   a) Photographs which document that the restoration activities have been completed.
   b) Submit project completion form as required by USACE-Omaha permit.

6. Comply with General Best Management Practices for all installations as presented in Section 6.

6.0 Best Management Practices

6.1 General Bidding Instructions

Included in Central Power's instructions to prospective contractors bidding on construction of the proposed Burleigh County Project would be environmental protection requirements. Several noteworthy requirements identify the contractor as responsible for the following:

Solid and Sanitary Waste Disposal – Contractor shall pick up solid wastes and place in containers that are regularly emptied, dispose of garbage in approved containers that are regularly emptied, and prevent contamination of the proposed project site and other areas when handling and disposing of wastes. Upon completion of the work, Contractor shall leave the work areas clean, and control and dispose of wastes.

Petroleum Products – Contractor shall conduct fueling and lubrication of equipment and motor vehicles in a manner to protect against spills and evaporation, and shall dispose of unused lubricants and oils.

Dust – Contractor shall implement dust control at all times in accordance with applicable local and state requirements. Contractor shall keep dust down at all times during construction. Air blowing would be permitted only for cleaning non-particulate debris such as steel reinforcing bars. Contractor shall not permit the shaking of bags of cement, concrete mortar, or plaster.

Temporary Construction – Contractor shall remove temporary construction facilities (erected by and within Contractor's scope), including access road-entrance-way build ups, access road corner widenings, crane pads, work areas, structures, foundations of temporary structures, and stockpiles of excess or waste materials.

Protection of Roads – Contractor shall plan and practice measures to minimize the impact to the existing landowner, township, county and state roads. Measures shall include demanding low speed limits for heavy vehicles and equipment traveling on the roads. Any road damage caused by construction activities shall be repaired by Contractor.

6.2 Best Management Practices during Windfarm Construction
BMPs developed for this project include:

Disturbance Minimization – The proposed windfarm project would be constructed to fit the existing terrain, thereby eliminating land-disturbing cut and fill activities, minimizing disturbance to existing drainage, and reducing soil erosion potential.

Sediment Control – Potential sediment movement to nearby drainages and wetlands resulting from construction disturbance would be controlled by installing silt fencing on the downhill side of access roads along low areas, and installing gravel entrances at county roads prior to grading activities to prevent vehicle tracking.

Fueling and Equipment Maintenance – Construction equipment would be fueled and maintained at an equipment maintenance staging area that would be designed to contain spills. Accidental spills would be cleaned up immediately following state regulations.

Reclamation/Revegetation – Areas disturbed during construction would be graded to blend with the natural terrain, scarified, and seeded with species at landowner request or with regionally native species.
Inspection/Maintenance – Silt fencing would be inspected within 24 hours of each rain event of ½-inch or greater, maintained by removing sediment after a 50 percent loss of capacity, and replaced as necessary.

6.3 Best Management Practices during Transmission Line Operation
Central Power would continue to follow BMPs during operation of the proposed windfarm. These specifically include:

Access Road Maintenance – Permanent access road gravel surfaces within the proposed windfarm would be maintained to ensure positive drainage and minimize sediment runoff.

Noxious Weed Control – Areas disturbed during construction would be monitored for infestation by noxious weeds at regular intervals coinciding with routine windfarm maintenance and monitoring activities. A courtesy weed control plan documenting the species and methods of control would be filed with the Burleigh County Weed Control Officer.

Revegetation Monitoring – Reseeding efforts using native grass seed mixes and tree replacement on areas disturbed during construction that are not being used for crop production would be monitored for success annually (in the spring) for two years following construction. If revegetation efforts are not or only partially successful, appropriate reseeding/replanting measures would be taken.

6.4 Western Construction Standard 13 during Windfarm Construction and Operation
Western's Construction Standard 13, Environmental Quality Protection document would provide general guidance for environmental protection during both the construction and operation of the proposed Burleigh County Wind Project (Western 2001). A copy of Construction Standard 13 is provided in **Appendix C**.

Several noteworthy standards provided by Western include the following:

Landscape Preservation (Section 13.3) – Includes guidance to preserving landscape features, constructing and restoring construction roads, and constructing and restoring construction facilities such as offices and storage yards.

Preservation of Cultural Resources (Section 13.4) – Provides for treatment and notification of known or discovered cultural sites or artifacts.

Noxious Weed Control (Section 13.5) – Requires a "clean vehicle policy" while entering and leaving construction areas to prevent transport of noxious weed plants and/or seed.

Disposal of Waste Material (Section 13.8) – Requires removal and disposal of all waste material generated during construction.

Pollutant Spill Prevention, Notification, and Cleanup (Section 13.10) – Requires measures to prevent spills of pollutants and respond appropriately if a spill occurs. Includes any solvent, fuel, oil, paint, pesticide, engine coolants, and similar substances.

Prevention of Air Pollution (Section 13.13) – Ensures that construction activities and equipment operation are undertaken to reduce air pollutant emissions, and that nuisance dust shall be controlled.

6.5 North Dakota Department of Health Permits

Prior to construction, it would be necessary to secure a stormwater permit issued by the North Dakota Department of Health, Division of Water Quality. The permit, along with the associated notice of termination, requires that disturbed soils are stabilized, vegetative cover restored, temporary erosion control measures removed, and all storm water discharges associated with construction activity have been eliminated.

Implementation of Central Power's Contractor requirements and BMPs, along with Western's Construction Standard 13, would ensure dust is adequately controlled and state air quality requirements are met.

6.6 Raptor-safe Power Line Construction Practices

Central Power would apply Suggested Practices for Raptor Protection on Power Lines, developed by the Avian Power Line Interaction Committee (APLIC), to the design and construction of overhead transmission line power structures and the collection substation (APLIC 1996). Appropriate suggested practices derived from APLIC's document are identified and described below.

1) Use of alternate positions for overhead groundwire to make available pole tops perching.
2) Installation of polyvinyl chloride downwire moulding on groundwire.
3) Installation of perch guards on horizontal insulators.

FIGURES

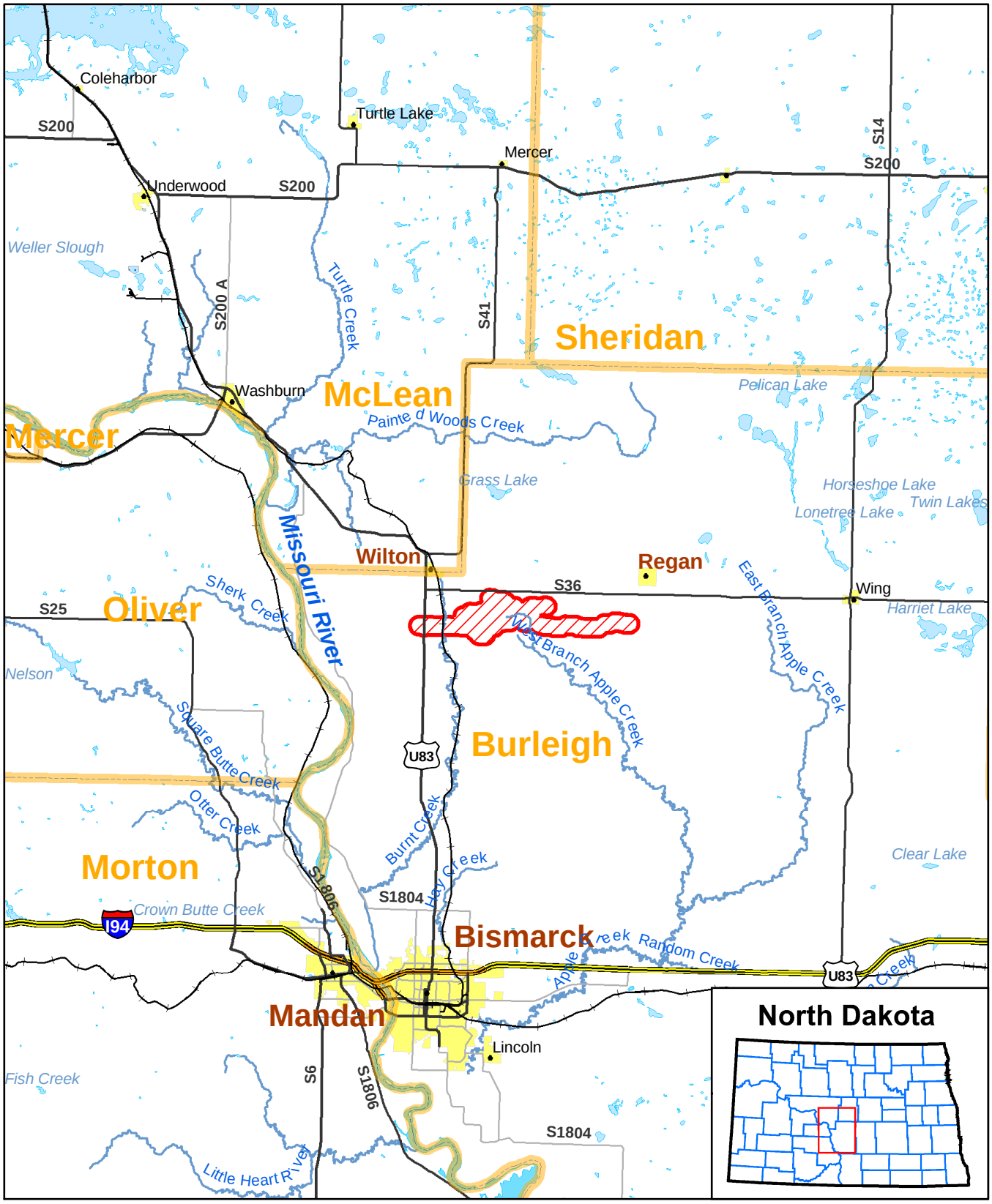


Figure 1
Project Location
Burleigh County Wind Energy Center
FPL Energy Burleigh County Wind, LLC.

MAP COMMENTS:

The Burleigh County Wind Energy Center will consist of 33 turbines installed in 2005 and an additional 33 installed in subsequent years for a total of no more than 66 turbines. Electrical power will be collected at the collection substation and tranferred along a new 230-kV transmission line to the point of interconnect with Western's Garrison-Bismarck Transmission Line. A switching station will be constructed at the point of the Western interconnect. Buried and overhead collection lines will transfer power to a new substation connected to east end of the new 230-kV transmission line. Access roads will be constructed from existing access routes to the turbines. The location of facilities as they are known is shown.

Expansion turbine locations have not been fully evaluated and the location of the attendant collector facilities and roads have not been determined. As such the precise location of wetland impacted cannot be determined at this time. Wetlands to be impacted in association with the expansion turbines will be delineated and a description of impacts will be submitted to USACE as part of a separate or amended permit application.

The location of wetland impacts are accented on this map with a red box and precisely identified by calipers or arrows. All wetlands that may be impacted are palustrine emergent and either temporarily or seasonally flooded. Temporary impacts will be the most common and will be permitted under NWP 33. Permanent disturbances will total no more than 600 square feet and will not be permitted as they are well under the threshold for preconstruction notice in accordance with NWP 12 (4356 square feet).

A brief description of wetland sites to be disturbed by Central Power Electric Cooperative, Inc. follows:

A
This wetland site may not be jurisdictional. Permanent disturbances totaling less than 200 square feet may result from placement of one transmission tower on either side of the wetland (2 total). Temporary disturbance to vegetation will result from on-site traffic and some aggregate may be temporarily placed in accordance with permitted specifications to create temporary crossings.

B
This wetland is jurisdictional. No permanent disturbances will occur. Temporary disturbance to vegetation will result from on-site traffic and some aggregate may be temporarily placed in accordance with permitted specifications to create temporary crossings.

C
This wetland may not be jurisdictional. No permanent disturbances will occur. Temporary disturbance to vegetation will result from on-site traffic and some tree removal will be required to install the transmission line. Use of temporary fill is not anticipated at this site.

D
This wetland is jurisdictional. No permanent disturbances will occur. Temporary disturbance to vegetation will result from on-site traffic and some aggregate or other temporary structure may be temporarily placed in accordance with permitted specifications to create temporary crossings.

Last Modified: July 21, 2005
Printed: July 21, 2005

TETRA TECH, INC.

1:25,000

0 2,640 5,280
Feet

- Waters of the US
- Wetland Point Features
- FWS NWI Wetlands
- County Lines
- Roads
- Major Roads
- 2005 Turbines
- Future Expansion Turbines
- New Transmission Towers
- Proposed 230-kV Transmission Line
- Garrison-Bismarck Transmission Line
- 2005 Access Roads
- Buried Cable
- OH 34.5 kV Transmission Line
- Switching Station
- Array Collector Substation
- 0.5 Mile Facility Offset

Figure 2
Location of Potential Wetland Disturbances
Associated with 230-kV Transmission Line Construction
Burleigh County Wind Energy Center
Central Power Electric Cooperative, Inc.

APPENDICES

APPENDIX A
Illustrations of Typical Poles Used
For the 230-Kv Transmission Line

Typical Conductor Connections

Concrete Foundation

Example of Line Installed Along Right of Way

Figure 2-7
Proposed 230-kV Transmission Line
Burleigh County Wind Energy Center
FPL Energy Burleigh County Wind, LLC

APPENDIX B
Typical Crossing Designs

TEMPORARY STREAM CROSSINGS

DEFINITION
A bridge, ford, or temporary structure installed across a stream or watercourse for short-term use by construction vehicles or heavy equipment.

PURPOSE
The purpose of this practice is to provide a means for construction vehicles to cross streams or watercourses without moving sediment into streams, damaging the streambed or channel, or causing flooding.

CONDITIONS WHERE PRACTICE APPLIES
Where heavy equipment must be moved from one side of a stream channel to another, or where light-duty construction vehicles must cross the stream channel frequently for a short period of time.

Generally, a temporary stream crossing is applicable to flowing streams with drainage areas less than 1 square mile. More exacting engineering methods should be used on larger drainage areas.

CRITERIA
In addition to erosion and sediment control, structural stability, utility, and safety must also be taken into consideration when designing temporary stream crossings. Bridge designs in particular, should be completed by a qualified engineer.

The anticipated life of a temporary stream crossing structure is usually considered to be 1 year or less. Remove the structure immediately after it is no longer needed. Ensure that design does not induce erosive flow velocities in the receiving stream channel.

Consider overflow for storms larger than the design storm and provide a protected overflow area. A water diverting structure such as a swale may be constructed (across the roadway on both roadway approaches) 50 feet maximum on either side of the waterway crossing. This will prevent roadway surface runoff from directly entering the waterway. The 50 feet is measured from the top of the waterway bank. If the roadway approach is constructed with a reverse grade away from the waterway, a separate diverting structure is not required.

The aggregate for the roadway shall be a minimum of 6 inches thick stone or recycled concrete.

CONSIDERATIONS
Careful planning can minimize the need for stream crossings. Try to avoid crossing streams, whenever possible, complete the development separately on each side and leave a natural buffer zone along the stream. Temporary stream crossings are a direct source of water pollution; they may create flooding and safety hazards; they can be expensive to construct; and they cause costly construction delays if washed out.

Select locations for stream crossings where erosion potential is low. Evaluate stream channel conditions, overflow areas, and surface runoff control at the site before choosing the type of crossing. When practical, locate and design temporary stream crossings to serve as permanent crossings to keep stream disturbance to a minimum.

Plan stream crossings in advance of need, and when possible, construct them during dry periods to minimize stream disturbance and reduce cost. Ensure that all necessary materials and equipment are on-site before any work is begun. Complete construction in an expedient manner and stabilize the area immediately.

When construction requires dewatering of the site, construct a bypass channel before undertaking other work. If stream velocity exceeds that allowed for the in-place soil material, stabilize the bypass channel with riprap or other suitable material. After the bypass is completed and stable, the stream may be diverted. Unlike permanent stream crossings, temporary stream crossings may be allowed to overtop during peak storm periods. However, the structure and approaches should remain stable. Keep any fill

needed in floodplains to a minimum to prevent upstream flooding and reduce erosion potential. Use riprap to protect locations subject to erosion from overflow. Where appropriate, install in-stream sediment traps immediately below stream crossings to reduce downstream sedimentation. When used, excavate the basin a minimum of 2 feet below the stream bottom and approximately two times the cross-sectional flow area of the existing channel. Ensure that the flow velocity through the basin does not exceed the allowable flow velocity for the in-place soil material; otherwise it should not be excavated. In locations where trees or other vegetation must be removed, the sediment trap may be more damaging to the stream than if it was not installed. Stream crossings are of three general types: bridges, culverts and fords.

Consider which method best suits the specific site conditions.

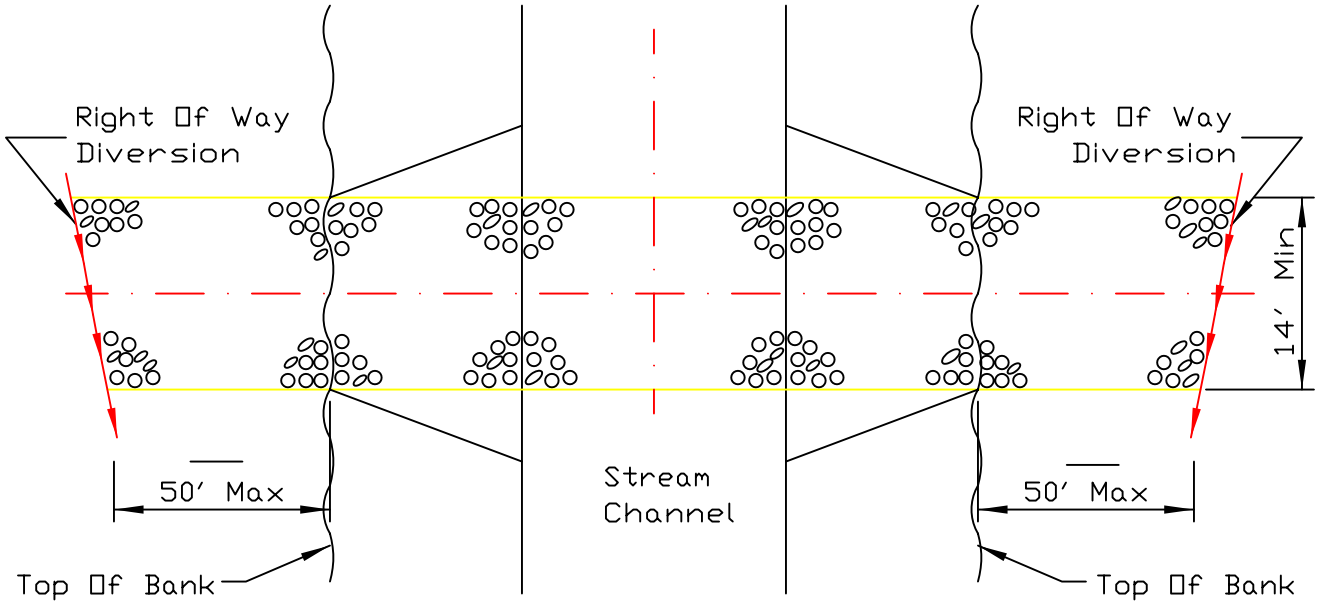
Culvert crossings - Culverted crossings are the most common installations. Generally, they are the least costly to install, can safely support heavy loads, and are adaptable to most site conditions. Construction materials are readily available and can be salvaged. However, the installation and removal of culverts causes considerable disturbance to the stream and surrounding area. Culverts also offer the greatest obstruction to flood flows and are subject, therefore, to blockage and washout.

Fords - Fords made of stabilizing material such as rock are often used in steep areas subject to flash flooding, where normal flow is shallow (less than 3 inches deep) or intermittent. Fords should only be used where crossings are infrequent. Fords are especially adapted for crossing wide, shallow watercourses. When properly installed, fords offer little or no obstruction to flow, can safely handle heavy loading, are relatively easy to install and maintain, and, in most cases, may be left in place at the end of the construction.

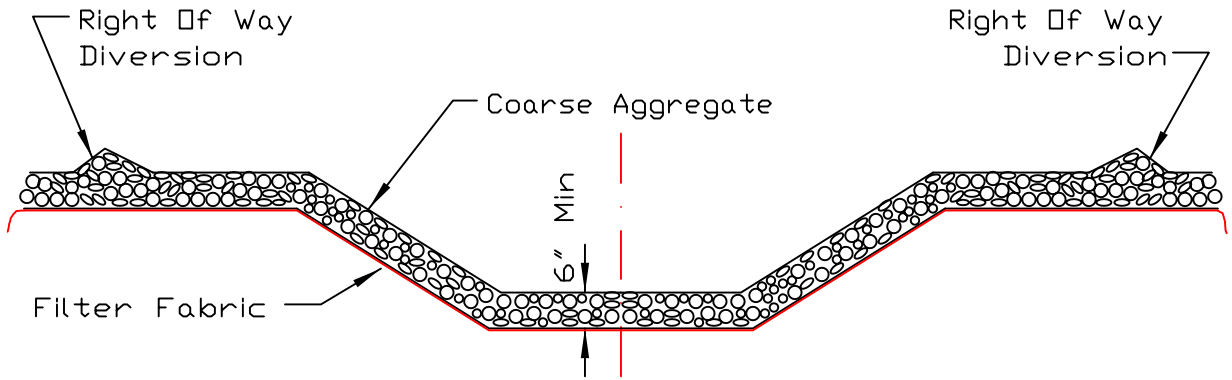
Problems associated with fords include the following: 1) approach sections are subject to erosion. Generally do not use fords where bank height exceeds 5 feet, 2) excavation for the installation of the riprap-gravel bottom and filter material causes major stream disturbance. In some cases, fords may be adequately constructed by shallow filling without excavation, 3) the stabilizing material is subject to washing out during storm flows and may require replacement, 4) mud and other contaminants are brought directly into the stream on vehicles unless crossings are limited to no flow conditions.

OPERATION AND MAINTENANCE

Inspect temporary stream crossings after runoff-producing rains to check for blockage in channel, erosion of abutments, channel scour, riprap displacement, or piping. Make all repairs immediately to prevent further damage to the installation. Remove temporary stream crossings immediately when they are no longer needed. Restore the stream channel to its original cross-section, and smooth and appropriately stabilize all disturbed areas. Leave in-stream sediment traps in place to continue capturing sediment.



PLAN VIEW

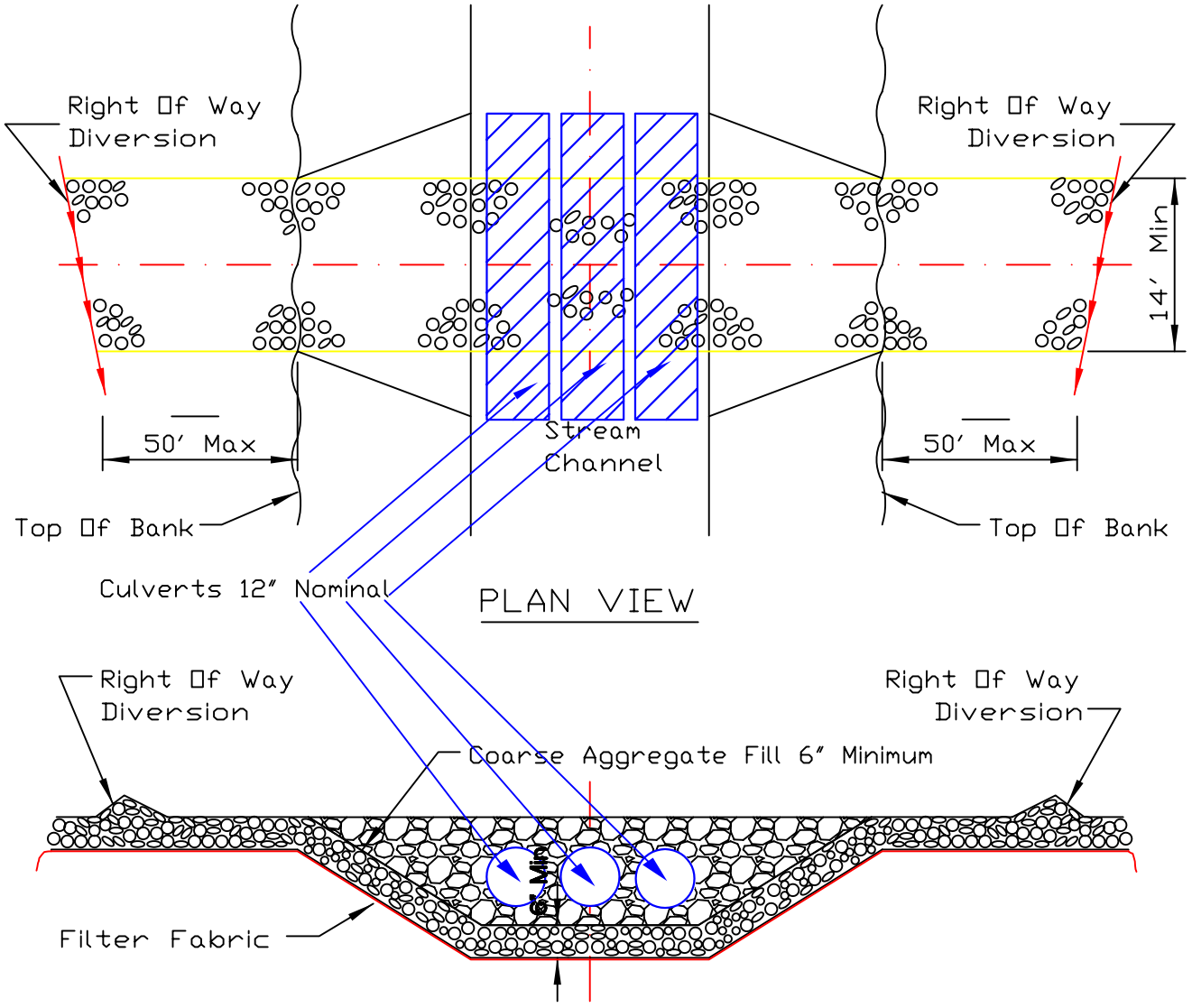


SECTION

BURLEIGH COUNTY WIND PROJECT
TEMPORARY STREAM CROSSING PLAN

TETRA TECH, INC.
440 Regency Centre
Collinsville, Illinois 62234
Phone (618) 345-0669
Fax (618) 345-1281

PROJECT NO.	15920	FIGURE NO.	B-1
SCALE:	AS SHOWN	DATE:	7-8-2005
DRAWN BY:	DWC	CHECKED BY:	GCD



BURLEIGH COUNTY WIND PROJECT
TEMPORARY CULVERTED STREAM CROSSING PLAN

TETRA TECH, INC.
440 Regency Centre
Collinsville, Illinois 62234
Phone (618) 345-0669
Fax (618) 345-1281

PROJECT NO.	15920	FIGURE NO.	B-2
SCALE:	AS SHOWN	DATE:	7-8-2005
DRAWN BY:	DWC	CHECKED BY:	GCD

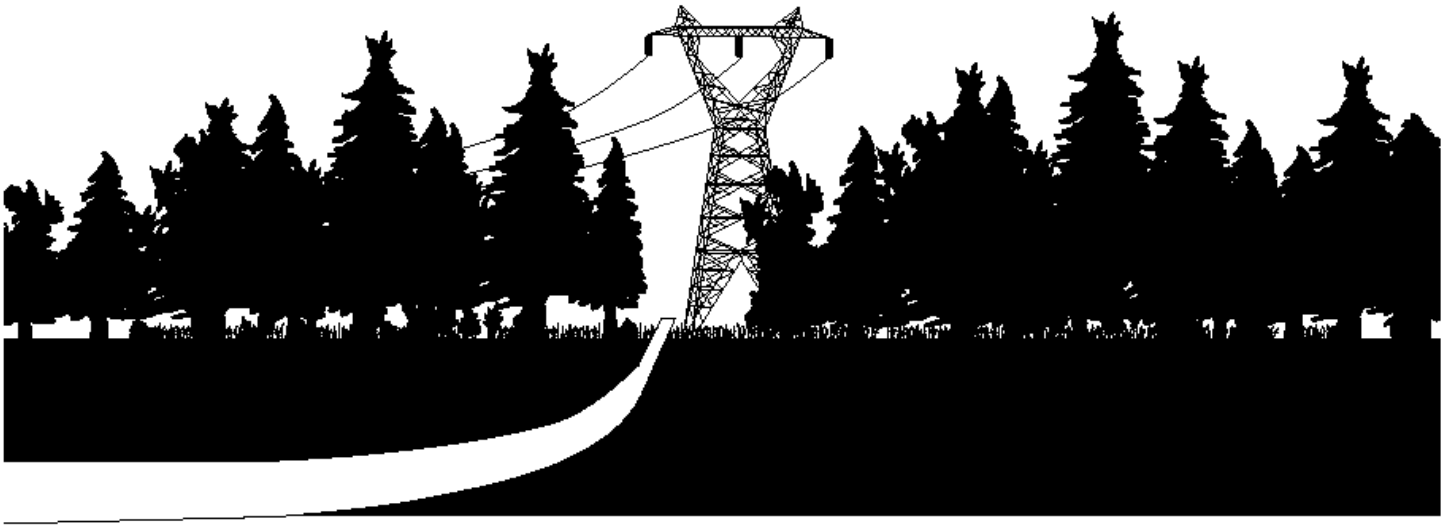
APPENDIX C
Western's Construction Standard 13

Western
AREA POWER
ADMINISTRATION

CONSTRUCTION STANDARDS

STANDARD 13

ENVIRONMENTAL QUALITY PROTECTION



February 2003

SAFETY
A HABIT TO LIVE BY

STANDARD 13 - ENVIRONMENTAL QUALITY PROTECTION

TABLE OF CONTENTS

STANDARD 13 - ENVIRONMENTAL QUALITY PROTECTION

SECTION 13.1--CONTRACTOR FURNISHED DATA

1. RECYCLED MATERIAL QUANTITY REPORT: Submit quantities for recycled material listed in 13.6, "Recycled Material Quantities", to the COR after completion and prior to submittal of final invoice.

2. PRODUCTS CONTAINING RECOVERED MATERIAL REPORT: Provide the COR the following information for purchases of those items listed in 13.7, "Use of Products Containing Recovered Material":

   (1) Quantity and cost of listed items with recovered material content and quantity and cost of listed items without recovered material content after completion and prior to submittal of final invoice.

   (2) Written justification 7 days prior to purchase of listed items if recovered material content products are not available: 1) competitively within a reasonable time frame; 2) that meet performance criteria defined in the Standards or Project Specifications; or 3) at a reasonable price.

3. RECLAIMED REFRIGERANT RECEIPT: A receipt from the reclaimer stating that the refrigerant was reclaimed, the amount and type of refrigerant, and the date shall be submitted to the COR after completion and prior to submittal of final invoice (see 13.8 - DISPOSAL OF WASTE MATERIAL, 5. REFRIGERANTS AND RECEIPTS).

4. WASTE MATERIAL QUANTITY REPORT: Submit quantities of total project waste material disposal as listed below to the COR after completion and prior to submittal of final invoice (see 13.8 – DISPOSAL OF WASTE MATERIAL, 8. WASTE MATERIAL QUANTITY REPORT).

   (1) Sanitary Wastes: Volume in cubic yards or weight in pounds.

   (2) Hazardous or Universal Wastes: Weight in pounds.

   (3) PCB Wastes: Weight in pounds.

   (4) Other regulated wastes (e.g., lead-based paint or asbestos): Weight in pounds (specify type of waste in report).

5. SPILL PREVENTION NOTIFICATION AND CLEANUP PLAN (Plan): Submit the Plan as described in 13.10, "Pollutant Spill Prevention, Notification, and Cleanup" paragraph b., to the COR for approval 14 days prior to start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations.

6. TANKER OIL SPILL PREVENTION AND RESPONSE PLAN: Submit the Plan as described in 13.10, "Pollutant Spill Prevention, Notification, and Cleanup" paragraph c., to the COR for approval 14 days prior to start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations.

7. PESTICIDE USE PLAN: Submit one copy of a pesticide use plan as described in 13.11, “Pesticides” paragraph c., to the COR for approval 14 days prior to use. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations. Within seven days after application, submit a written report according to Western Construction Standard 2.1.1.

8. TREATED WOOD POLE AND MEMBERS RECYCLING CONSUMER INFORMATION RECEIPT: Submit treated wood pole and members consumer receipt forms to the COR after completion and prior to submittal of final invoice (see 13.12, “Treated Wood Poles and Members Recycling or Disposal”).

9. PREVENTION OF AIR POLLUTION: Submit a copy of permits, if required, from Federal, State, or local agencies to the COR 14 days prior to the start of work.

10. ASBESTOS LICENSES OR CERTIFICATIONS: Submit a copy of licenses and/or certifications for asbestos work as described in 13.14, ”Handling and Management of Asbestos Containing Material” paragraph a., to the COR prior to work. Submit copies of certificates of disposal and/or receipts for waste to the COR after completion and prior to submittal of final invoice.

11. LEAD PAINT NOTICES: Submit a copy of lead paint notices as described in 13.15, “Material with Lead-based Paint” paragraph b., to the COR upon completion and prior to submittal of final invoice. Submit copies of certificates of disposal and/or receipts for waste to the COR after completion and prior to submittal of final invoice.

12. WATER POLLUTION PERMITS: Submit copies of any water pollution permits as described in 13.16, “Prevention of Water Pollution” paragraph b., to the COR prior to work.

13. PCB TEST REPORT: Submit a PCB test report as described in 13.17, “Testing, Draining, Removal, and Disposal of Oil-filled Electrical Equipment” paragraph b., prior to draining, removal, or disposal of oil or oil-filled equipment that is designated for disposal.

14. OIL AND OIL-FILLED ELECTRICAL EQUIPMENT RECEIPT: Obtain and submit a receipt for oil and oil-filled equipment transported and disposed, recycled, or reprocessed as described in 13.17, “Testing, Draining, Removal, and Disposal of Oil-filled Electrical Equipment”, to the COR upon completion and prior to submittal of final invoice.

15. OSHA PCB TRAINING RECORDS: Submit employee training documentation records to the COR 14 days prior to the start of work as described in 13.18.1.

16. CLEANUP WORK MANAGEMENT PLAN: Submit a Cleanup Work Management Plan as described in 13.18, “Removal of Oil-contaminated Material” paragraph b., to the COR for approval 14 days prior to the start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations.

17. POST CLEANUP REPORT: Submit a Post-Cleanup Report as described in 13.18, “Removal of Oil-contaminated Material” paragraph g., to the COR upon completion and prior to submittal of final invoice.

SECTION 13.2--ENVIRONMENTAL REQUIREMENTS

Comply with Federal, State, and local environmental laws and regulations. The sections in this Standard further specify the requirements.

SECTION 13.3--LANDSCAPE PRESERVATION

1. GENERAL: Preserve landscape features in accordance with the contract clause titled “Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements.”

2. CONSTRUCTION ROADS: Location, alignment, and grade of construction roads shall be subject to the COR's approval. When no longer required, construction roads shall be restored to their original condition. Surfaces of construction roads shall be scarified to facilitate natural revegetation, provide for proper drainage, and prevent erosion. If revegetation is required, then use regionally native plants.

3. CONSTRUCTION FACILITIES: Shop, office, and yard areas shall be located and arranged in a manner to preserve trees and vegetation to the maximum practicable extent and prevent impact on sensitive riparian areas and flood plains. Storage and construction buildings, including concrete footings and slabs, shall be removed from the site prior to contract completion. The area shall be regraded as required so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that will facilitate natural revegetation, provide for proper drainage, and prevent erosion. If revegetation is required, then use regionally native plants.

SECTION 13.4--PRESERVATION OF CULTURAL AND PALEONTOLOGICAL RESOURCES

1. GENERAL: Do not remove or alter cultural artifacts or paleontological resources (fossils). Cultural artifacts are of potential scientific or cultural importance and include bones, tools, historic buildings, and features. Paleontological resources can be of scientific importance and include mineralized animals and plants or trace fossils such as footprints. Both cultural and paleontological resources are protected by Federal Regulations during Federal construction projects.

2. KNOWN CULTURAL OR PALEONTOLOGICAL SITES: Following issuance of notice to proceed, Western will provide two sets of plan and profile drawings showing sensitive areas located on or immediately adjacent to the transmission line right-of-way and/or facility. These areas shall be considered avoidance areas. Prior to any construction activity, the avoidance areas shall be marked on the ground in a manner approved by the COR. Instruct employees, subcontractors, and others that vehicular or equipment access to these areas is prohibited. If access is absolutely necessary, first obtain approval from the COR. Ground markings shall be maintained throughout the duration of the contract. Western will remove the markings during or following final cleanup. For some project work, Western will require an archaeological, paleontological or tribal monitor at or near cultural or paleontological site locations. The contractor will work with the monitor to identify avoidance areas.

3. UNKNOWN CULTURAL OR PALEONTOLOGICAL SITES: On rare occasions cultural or paleontological sites may be discovered during excavation or other earth-moving activities.

   (1) Reporting: If evidence of a cultural or paleontological site is discovered, immediately notify the COR and give the location and nature of the findings. Stop all activities within a 50-foot radius of the discovery and do not proceed with work within that radius until directed to do so by the COR.

   (2) Care of Evidence: Do not damage artifacts or fossils uncovered during construction.

4. CONTRACT ADJUSTMENTS: Where appropriate by reason of delays caused by a discovery, the Contracting Officer may make adjustments to contract requirements.

SECTION 13.5--NOXIOUS WEED CONTROL

1. GENERAL: Comply with Federal, state, and local noxious weed control regulations. Provide a "clean vehicle policy" while entering and leaving construction areas to prevent transport of noxious weed plants and/or seed. Transport only construction vehicles that are free of mud and vegetation debris to staging areas and the project right-of-way.

SECTION 13.6--RECYCLED MATERIAL QUANTITIES

1. GENERAL: Record quantities of the following material by category that is salvaged, recycled, reused, or reprocessed:

   (1) Transformers, Breakers: Weight without oil.

   (2) Electrical Conductors: Length in feet and Type (for example, ACSR, Copper, and gauge).

   (3) Structural Steel: Weight in pounds or tons.

   (4) Aluminum Buswork: Weight in pounds or tons.

   (5) Other Metals: Weight in pounds or tons.

   (6) Oil: Gallons (separate by type - less than 2 ppm PCB, 2 to 50 ppm PCB, and 50 or greater ppm PCB).

   (7) Gravel, Asphalt, Or Concrete: Weight in pounds or tons.

   (8) Batteries: Weight in pounds.

   (9) Wood Poles and Crossarms: Weight in pounds.

2. RECYCLED MATERIAL QUANTITY REPORT: Submit quantities for recycled material listed above to the COR after completion and prior to submittal of final invoice.

SECTION 13.7--USE OF PRODUCTS CONTAINING RECOVERED MATERIAL

1. GENERAL: If the products listed below are obtained as part of this project, purchase the items with the highest recovered material content possible unless recovered material content products are not available: 1) competitively within a reasonable time frame; 2) that meet performance criteria defined in the Standards or Project Specifications; or 3) at a reasonable price.
   (1) Construction Products:

   - Building Insulation Products
   - Carpet
   - Carpet cushion
   - Cement and concrete containing coal fly ash or ground granulated blast furnace slag
   - Consolidated and reprocessed latex paint
   - Floor Tiles
   - Flowable fill
   - Laminated Paperboard
   - Patio Blocks
   - Railroad grade crossing surfaces
   - Shower and restroom dividers/partitions
   - Structural Fiberboard

   (2) Landscaping Products:

   - Compost made from yard trimmings or food waste
   - Garden and soaker hoses
   - Hydraulic Mulch

- Lawn and garden edging
- Plastic lumber landscaping timbers and posts

(3) Non-paper Office Products:

- Binders, clipboards, file folders, clip portfolios, and presentation folders
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories
- Plastic envelopes
- Plastic trash bags
- Printer ribbons
- Toner cartridges

(4) Paper and Paper Products:

- Commercial/industrial sanitary tissue products
- Miscellaneous papers
- Newsprint
- Paperboard and packaging products
- Printing and writing papers

(5) Park and Recreation Products:

- Park benches and picnic tables
- Plastic fencing
- Playground equipment
- Playground surfaces
- Running tracks

(6) Transportation Products:

- Channelizers
- Delineators
- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones

(7) Vehicular Products:

- Engine coolants
- Re-refined lubricating oils
- Retread tires

(8) Miscellaneous Products:

- Awards and plaques
- Industrial drums
- Manual-grade strapping
- Mats
- Pallets
- Signage
- Sorbents

(9) For a complete listing of products and recommendations for recovered content, see http://www.epa.gov/cpg/products.htm

2. PRODUCTS CONTAINING RECOVERED MATERIAL REPORT: Provide the COR the following information for purchases of those items listed above:

(1) Quantity and cost of listed items with recovered material content and quantity and cost of listed items without recovered material content after completion and prior to submittal of final invoice.

(2) Written justification 7 days prior to purchase of listed items if recovered material content products are not available: 1) competitively within a reasonable time frame; 2) that meet performance criteria defined in the Standards or Project Specifications; or 3) at a reasonable price.

SECTION 13.8--DISPOSAL OF WASTE MATERIAL

1. GENERAL: Dispose or recycle waste material in accordance with applicable Federal, State and Local regulations and ordinances. In addition to the requirements of the Contract Clause "Cleaning Up", remove all waste material from the construction site. No waste shall be left on Western property, right-of-way, or easement. Burning or burying of waste material is not permitted.

2. HAZARDOUS, UNIVERSAL, AND NON-HAZARDOUS WASTES: Manage hazardous, universal, and non-hazardous wastes in accordance with State and Federal regulations.

3. USED OIL: Used oil generated from the Contractor activities shall be managed in accordance with used oil regulations.

4. RECYCLABLE MATERIAL: Reduce wastes, including excess Western material, by recycling, reusing, or reprocessing. Examples of recycling, reusing, or reprocessing include reprocessing of solvents; recycling cardboard; and salvaging scrap metals.

5. REFRIGERANTS AND RECEIPTS: Refrigerants from air conditioners, water coolers, refrigerators, ice machines and vehicles shall be reclaimed with certified equipment operated by certified technicians if the item is to be disposed. Refrigerants shall be reclaimed and not vented to the atmosphere. A receipt from the reclaimer stating that the refrigerant was reclaimed, the amount and type of refrigerant, and the date shall be submitted to the COR after completion and prior to submittal of final invoice.

6. HALONS: Equipment containing halons that must be tested, maintained, serviced, repaired, or disposed must be handled according to EPA requirements and by technicians trained according to those requirements.

7. SULFUR HEXAFLOURIDE (SF6): SF6 shall be reclaimed and not vented to the atmosphere.

8. WASTE MATERIAL QUANTITY REPORT: Submit quantities of total project waste material disposal as listed below to the COR after completion and prior to submittal of final invoice.

(1) Sanitary Wastes: Volume in cubic yards or weight in pounds.

(2) Hazardous or Universal Wastes: Weight in pounds.

(3) PCB Wastes: Weight in pounds.

(4) Other regulated wastes (e.g., lead-based paint or asbestos): Weight in pounds (specify type of waste in report).

SECTION 13.9--CONTRACTOR'S LIABILITY FOR REGULATED MATERIAL INCIDENTS

1. GENERAL: The Contractor is solely liable for all expenses related to spills, mishandling, or incidents of regulated material attributable to his actions or the actions of his subcontractors. This includes all response, investigation, cleanup, disposal, permitting, reporting, and requirements from applicable environmental regulation agencies.

2. SUPERVISION: The actions of the Contractor employees, agents, and subcontractors shall be properly managed at all times on Western property or while transporting Western's (or previously owned by Western) regulated material and equipment.

SECTION 13.10--POLLUTANT SPILL PREVENTION, NOTIFICATION, AND CLEANUP

1. GENERAL: Provide measures to prevent spills of pollutants and respond appropriately if a spill occurs. A pollutant includes any hazardous or non-hazardous substance that when spilled, will contaminate soil, surface water, or ground water. This includes any solvent, fuel, oil, paint, pesticide, engine coolants, and similar substances.

2. SPILL PREVENTION NOTIFICATION AND CLEANUP PLAN (Plan): Provide the Plan to the COR for approval 14 days prior to start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations. Include the following in the Plan:

   (1) Spill Prevention measures. Describe the work practices or precautions that will be used at the job site to prevent spills. These may include engineered or manufactured techniques such as installation of berms around fuel and oil tanks; Storage of fuels, paints, and other substances in spill proof containers; and management techniques such as requiring workers to handle material in certain ways.

   (2) Notification. Most States and the Environmental Protection Agency require by regulation, that anyone who spills certain types of pollutants in certain quantities notify them of the spill within a specific time period. Some of these agencies require written follow up reports and cleanup reports. Include in the Plan, the types of spills for which notification would be made, the agencies notified, the information the agency requires during the notification, and the telephone numbers for notification.

   (3) Employee Awareness Training. Describe employee awareness training procedures that will be implemented to ensure personnel are knowledgeable about the contents of the Plan and the need for notification.

   (4) Commitment of Manpower, Equipment and Material. Identify the arrangements made to respond to spills, including the commitment of manpower, equipment and material.

   (5) If applicable, address all requirements of 40CFR112 pertaining to Spill Prevention, Control and Countermeasures Plans.

3. TANKER OIL SPILL PREVENTION AND RESPONSE PLAN: Provide a Tanker Oil Spill Prevention and Response Plan as required by the Department of Transportation if oil tankers with volume of

3,500 gallons or more are used as part of the project. Submit the Tanker Oil Spill Prevention and Response Plan to the COR for approval 14 days prior to start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations.

SECTION 13.11--PESTICIDES

1. GENERAL: The term "pesticide" includes herbicides, insecticides, rodenticides and fungicides. Pesticides shall only be used in accordance with their labeling.

2. ENVIRONMENTAL PROTECTION AGENCY REGISTRATION: Use EPA registered pesticides.

3. PESTICIDE USE PLAN: The plan shall contain: 1) a description of the pesticide to be used, 2) where it is to be applied, 3) the application rate, 4) a copy of the label, and 5) a copy of required applicator certifications. Submit two copies of the pesticide use plan to the COR for approval 30 days prior to the date of intended application. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations. Within seven days after application, submit a written report according to Western Construction Standard 2.1.1.

SECTION 13.12--TREATED WOOD POLES AND MEMBERS RECYCLING OR DISPOSAL

Whenever practicable, treated wood poles and members removed during the project shall be recycled or transferred to the public for some uses. Treated wood poles and members transferred to a recycler, landfill, or the public shall be accompanied by a written consumer information sheet on treated wood as provided by Western. Obtain a receipt form, part of the consumer information sheet, from the recipient indicating that they have received, read, and understand the consumer information sheet. Treated wood products transferred to right-of-way landowners shall be moved off the right-of-way. Treated wood product scrap or poles and members that cannot be donated or reused shall be properly disposed in a landfill that accepts treated wood and has signed Western's consumer information sheet receipt. Submit treated wood pole and members consumer receipt forms to the COR after completion and prior to submittal of final invoice.

SECTION 13.13--PREVENTION OF AIR POLLUTION

1. GENERAL: Ensure that construction activities and the operation of equipment are undertaken to reduce the emission of air pollutants. Submit a copy of permits, if required, from Federal, State, or local agencies to the COR 14 days prior to the start of work.

2. MACHINERY AIR EMISSIONS: The Contractor and subcontractor machinery shall have, and shall use the air emissions control devices required by Federal, State or Local Regulation or ordinance.

3. DUST ABATEMENT: Dust shall be controlled. Oil shall not be used as a dust suppressant. Dust suppressants shall be approved by the COR prior to use.

SECTION 13.14--HANDLING AND MANAGEMENT OF ASBESTOS CONTAINING MATERIAL

1. GENERAL: Obtain the appropriate Federal, State or local licenses or certifications prior to disturbing any regulated asbestos-containing material. Submit a copy of licenses and/or certifications for asbestos work to the COR prior to work. Ensure: 1) worker and public safety requirements are fully implemented and 2) proper handling, transportation, and disposal of asbestos containing material.

2. TRANSPORTATION OF ASBESTOS WASTE: Comply with Department of Transportation,

Environmental Protection Agency, and State and Local requirements when transporting asbestos wastes.

3. CERTIFICATES OF DISPOSAL AND RECEIPTS: Obtain certificate of disposals for waste if the waste is a hazardous waste or receipts if the waste is a non-hazardous waste. Submit copies to the COR after completion and prior to submittal of final invoice.

SECTION 13.15--MATERIAL WITH LEAD-BASED PAINT

1. GENERAL: Comply with all applicable Federal, State and local regulations concerning work with lead-based paint, disposal of material painted with lead-based paint, and management of these material. OSHA and General Industry Standards apply to worker safety and right-to-know issues. Federal EPA and State agencies regulate waste disposal and air quality issues.

2. TRANSFER OF PROPERTY: If lead-based paint containing equipment or material is to be given away or sold for reuse, scrap, or reclaiming, a written notice shall be provided to the recipient of the material stating that the material contains lead-based paint and the Hazardous Waste regulations may apply to the waste or the paint in some circumstances. The new owner must also be notified that they may be responsible for compliance with OSHA requirements if the material is to be cut, sanded, abraded, or stripped of paint. Submit a copy of lead paint notices to the COR upon completion and prior to submittal of final invoice.

3. CERTIFICATES OF DISPOSAL AND RECEIPTS: Obtain certificate of disposals for waste if the waste is a hazardous waste or receipts if the waste is a non-hazardous waste. Submit copies to the COR after completion and prior to submittal of final invoice.

SECTION 13.16--PREVENTION OF WATER POLLUTION

1. GENERAL: Ensure that surface and ground water is protected from pollution caused by construction activities and comply with applicable regulations and requirements.

2. PERMITS: Ensure that:

   (1) Streams, and other waterways or courses are not obstructed or impaired, unless the appropriate Federal, State or local permits have been obtained;

   (2) A National Pollutant Discharge Elimination System (NPDES) Permit for the Prevention of Stormwater Pollution from Construction Projects is obtained if required by State or Federal regulation; and

   (3) A dewatering permit is obtained from the appropriate agency if required for construction dewatering activities.

   (4) Submit copies of any water pollution permits to the COR prior to work.

3. EXCAVATED MATERIAL AND OTHER CONTAMINANT SOURCES: Control runoff from excavated areas and piles of excavated material, construction material or wastes (to include truck washing and concrete wastes), and chemical products such as oil, grease, solvents, fuels, pesticides, and pole treatment compounds. Excavated material or other construction material shall not be stockpiled or deposited near or on streambanks, lake shorelines, ditches, irrigation canals, or other areas where run-off could impact the environment.

4. MANAGEMENT OF WASTE CEMENT OR WASHING OF CEMENT TRUCKS: Do not permit the

washing of cement trucks or disposal of excess cement in any ditch, canal, stream, or other surface water. Cement wastes shall be disposed in accordance with all Federal, State, and local regulations. Cement wastes shall not be disposed on any Western property, right-of-way, or easement; nor on any streets, roads, or property without the owner's consent.

5. STREAM CROSSINGS: Crossing of any stream or other waterway shall be done in compliance with Federal, State, and local regulations. Crossing of some waterways may be prohibited by landowners, State or Federal agencies or require permits.

SECTION 13.17--TESTING, DRAINING, REMOVAL, AND DISPOSAL OF OIL-FILLED ELECTRICAL EQUIPMENT

1. SAMPLING AND TESTING OF INSULATING OIL FOR PCB CONTENT: Sample and analyze the oil of electrical equipment for PCB's. Use analytical methods approved by EPA and applicable State regulations. Decontaminate sampling equipment according to documented good laboratory practices (these can be contractor developed or EPA standards). Use only laboratories approved by Western. The COR will furnish a list of approved laboratories.

2. PCB TEST REPORT: Provide PCB test reports that contain the information below for disposing of oil-filled electrical equipment. Submit the PCB test report prior to draining, removal, or disposal of oil or oil-filled equipment that is designated for disposal.

   - Name and address of the laboratory
   - Description of the electrical equipment (e.g. transformer, breaker)
   - Serial number for the electrical equipment.
   - Date sampled
   - Date tested
   - PCB contents in parts per million (ppm)
   - Unique identification number of container into which the oil was drained (i.e., number of drum, tank, tanker, etc.)

3. OIL CONTAINING PCB: Comply with the Federal regulations pertaining to PCBs found at Title 40, Part 761 of the U.S. Code of Federal Regulations (40 CFR 761).

4. REMOVAL AND DISPOSAL OF INSULATING OIL AND OIL-FILLED ELECTRICAL EQUIPMENT: Once the PCB content of the oil has been identified from laboratory results, the oil shall be transported and disposed, recycled, or reprocessed according to 40 CFR 761 (if applicable), Resource Conservation and Recovery Act (RCRA) "used oil", and other applicable regulations. Used oil may be transported only by EPA-registered used oil transporters. The oil must be stored in containers that are labeled "Used Oil." Use only U.S. transporters and disposal sites approved by Western.

5. OIL AND OIL-FILLED ELECTRICAL EQUIPMENT RECEIPT: Obtain and submit a receipt for oil and oil-filled equipment transported and disposed, recycled, or reprocessed to the COR upon completion and prior to submittal of final invoice.

SECTION 13.18--REMOVAL OF OIL-CONTAMINATED MATERIAL

1. GENERAL: Removing oil-contaminated material includes excavating, stockpiling, testing, transporting, cleaning, and disposing of these material. Personnel working with PCBs shall be trained in accordance with OSHA requirements. Submit employee training documentation records to the COR 14 days prior to the start of work.

2. CLEANUP WORK MANAGEMENT PLAN: Provide a Cleanup Work Management Plan that has

been approved by applicable Federal, State, or Local environmental regulation agencies. Submit the plan to the COR for approval 14 days prior to the start of work. Approval of the plan is for the purpose of determining compliance with the specifications only and shall not relieve the Contractor of the responsibility for compliance with all Federal, State, and Local regulations. The plan shall address on-site excavation of contaminated soil and debris and include the following:

- Identification of contaminants and areas to be excavated
- Method of excavation
- Level of personnel/subcontractor training
- Safety and health provisions
- Sampling requirements including quality control, laboratory to be used
- Management of excavated soils and debris
- Disposal methods, including transportation to disposal

3. EXCAVATION AND CLEANUP: Comply with the requirements of Title 40, Part 761 of the U.S. Code of Federal Regulations (40 CFR 761).

4. TEMPORARY STOCKPILING: Excavated material, temporarily stockpiled on site, shall be stored on heavy plastic and covered to prevent wind and rain erosion at a location designated by the COR.

5. SAMPLING AND TESTING: Sample contaminated debris and areas of excavation to ensure that contamination is removed. Use personnel with experience in sampling and, in particular, with experience in PCB cleanup if PCBs are involved. Use analytical methods approved by EPA and applicable State regulations.

6. TRANSPORTION AND DISPOSAL OF CONTAMINATED MATERIAL: The Contractor shall be responsible and liable for the proper loading, transportation, and disposal of contaminated material according to Federal, State, and local requirements. Use only U.S. transporters and disposal sites approved by Western.

7. POST CLEANUP REPORT: Provide a Post-Cleanup Report that describes the cleanup of contaminated soils and debris. Submit the report to the COR upon completion and prior to submittal of final invoice. The report shall contain the following information:

- Site map showing the areas cleaned
- Description of the operations involved in excavating, storing, sampling, and testing, and disposal
- Sampling and analysis results including 1) Name and address of the laboratory, 2) sample locations, 3) sample dates, 4) analysis dates, 5) contents of contaminant (e.g. PCB or total petroleum hydrocarbons) in parts per million (ppm)
- Certification by the Contractor that the cleanup requirements were met
- Copies of any manifests, bills of lading, and disposal certificates
- Copies of correspondence with regulatory agencies that support completion of the cleanup

SECTION 13.19—CONSERVATION OF NATURAL RESOURCES

1. GENERAL: Federal law prohibits the taking of endangered, threatened, proposed or candidate wildlife and plants, and destruction or adverse modification of designated Critical Habitat. Federal law also prohibits the taking of birds protected by the Migratory Bird Treaty Act. “Take” means to pursue, hunt, shoot, wound, kill, trap, capture or collect a protected animal or any part thereof, or attempt to do any of those things.

2. KNOWN OCCURRENCE OF PROTECTED SPECIES OR HABITAT: Following issuance of the notice to proceed, and prior to the start of construction, Western will provide training to all contractor and subcontractor personnel involved in the construction activity. Untrained personnel

shall not be allowed in the construction area. Western shall provide two sets of plan and profile drawings showing sensitive areas located on or immediately adjacent to the transmission line right-of-way and/or facility. These areas shall be considered avoidance areas. Prior to any construction activity, the avoidance areas shall be marked on the ground in a manner approved by the COR. If access is absolutely necessary, first obtain permission from the COR, noting that a Western and/or other government or tribal agency biologist may be required to accompany personnel and equipment. Ground markings shall be maintained through the duration of the contract. Western will remove the markings during or following final inspection of the project.

3. UNKNOWN OCCURRENCE OF PROTECTED SPECIES OR HABITAT: If evidence of a protected species is found in the project area, the contractor shall immediately notify the COR and provide the location and nature of the findings. The contractor shall stop all activity in the vicinity of the protected species or habitat and not proceed until directed to do so by the COR.

4. CONTRACT ADJUSTMENTS: Where appropriate by reason of delays caused by a discovery, the Contracting Officer may make adjustments to contract requirements.

ATTACHMENT C
LANDOWNERS AT WETLAND SITES

Landowners at Wetland Sites
Central Power Electric Cooperative, Inc.

Tract	First	Last	Status	Address	City	State	Zip	Phone
NW 1/4 Section 23	Lois	Gordian	Landowner	526 Burleigh Rd	Wilton	ND	58579	701-734-6332
NE 1/4 Section 23	Anton	Krush	Landowner	31501 12th St NE	Wilton	ND	58579	
NW 1/4 Section 24	Mary	Lane	Landowner	10800 353 St. SE	Moffit	ND	58560	
NW 1/4 Section 19	Milo	Schuler	Landowner	27701 26th St NE	Wilton	ND	85879	701-734-6677

ATTACHMENT
The following attachments are figures excerpted from the Environmental Assessment (EA) prepared for the Burleigh County Wind Project.

Attachment 1
Standard Line Pulling Techniques

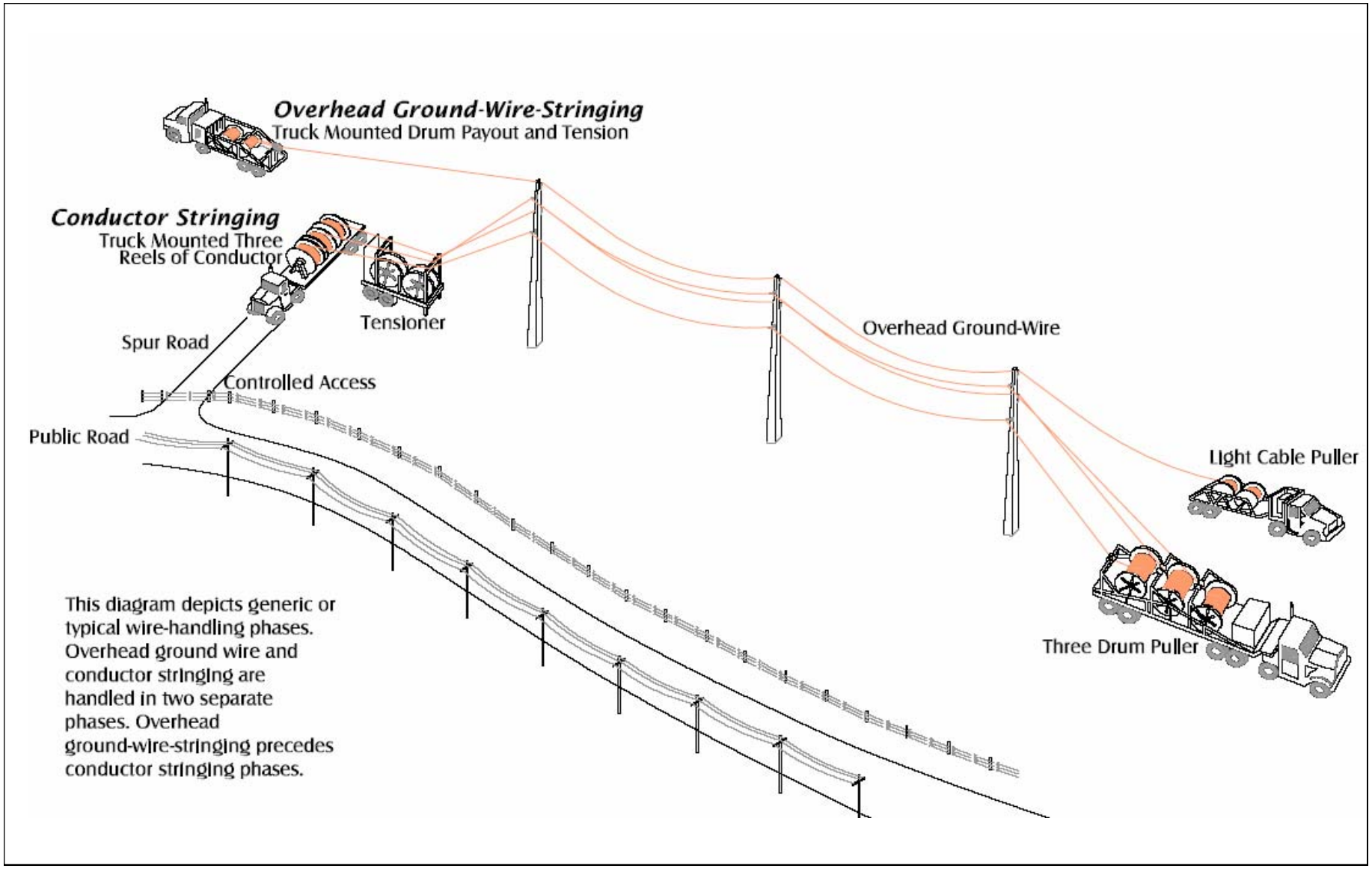


Figure 2-4
Wire Handling Equipment
Burleigh County Wind Energy Center
FPL Energy Burleigh County Wind, LLC

Attachment 2

Attachment 2a

CANADIAN PACIFIC RAILWAY

Engineering Services

501 Marquette Avenue
Minneapolis Minnesota 55402

Fax (612) 904 6010

received
7-18-05 TS

July 11, 2005

"IMPORTANT NOTICE"
a copy of this document must be
available for field review by CPR personnel

Engineering File: RWO127 Wilton, North Dakota
MW0789

Mr. John Wergin
Project Coordinator
FPL Energy
402 Main Street, P.O. Box 67
Edgeley, North Dakota 58433

Dear Mr. Wergin,

RE: OVERHEAD ELECTRICAL POWER LINE
279TH AVE. N.E.
MILE POST 536.18
ECKLUND TOWNSHIP, NORTH DAKOTA

This will acknowledge receipt of your application dated May 11, 2005 regarding the above described overhead electrical power line installation. This is to advise that Canadian Pacific Railway (CPR) has reviewed your application and has no objections to its installation as proposed.

Since this crossing is within right-of-way limits of a public thoroughfare, no CPR license agreement will be required. If check for $200 to cover processing review fee was not submitted with your application, please arrange to submit at this time. Check should be made payable to Canadian Pacific Railway c/o J.H. Krieger at the above address.

Please note any cost (flagging, repair work, inspections, etc.) incurred by the railroad in connection with this project will be submitted to your company for payment. The estimated cost for railroad flagging service is currently $500 per eight (8) day.

Since this rail line is leased by Dakota Missouri Valley & Western Railroad, please arrange to contact Mr. Roger C. Wood of Bismarck, North Dakota at least three (3) working days in advance of any work near or under the tracks. Mr. Wood's direct telephone number is 701-223-9282 office or 701-471-0872 cell.

A copy of this document must be made available for field review by field personnel. While on railroad property DMV & W requires all personnel to wear four forms of Personal Protective Equipment; hardhat, safety glasses or prescription glasses w/sideshields, hy-vis-vest and steel toe boots.

Sincerely,

J.H. Krieger DCL

J.H. Krieger
Engineer Public Works

DCL/rjt

cc: Mr. Roger C. Wood
Roadmaster
Dakota Missouri Valley & Western Railroad
3501 East Rosser St.
Bismarck, North Dakota 58501

Attachment 4

TETRA TECH, INC.

1:20,000

0 1,000 2,000

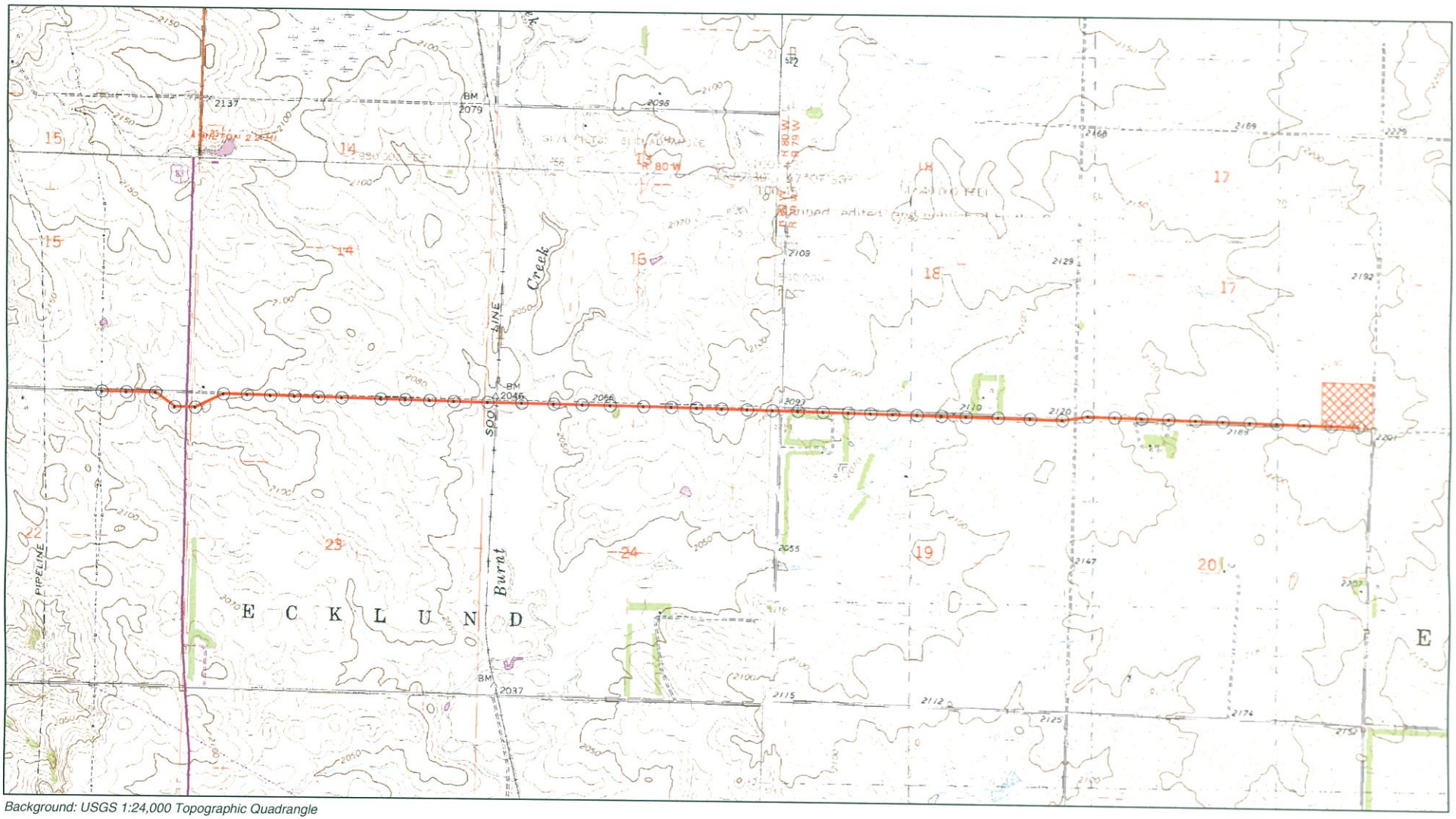
Feet

Transmission Towers

Proposed Transmission Route

Substation

EXHIBIT 1
PROJECT AREA OVERVIEW
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA



Background: USGS 1:24,000 Topographic Quadrangle

TETRA TECH, INC.

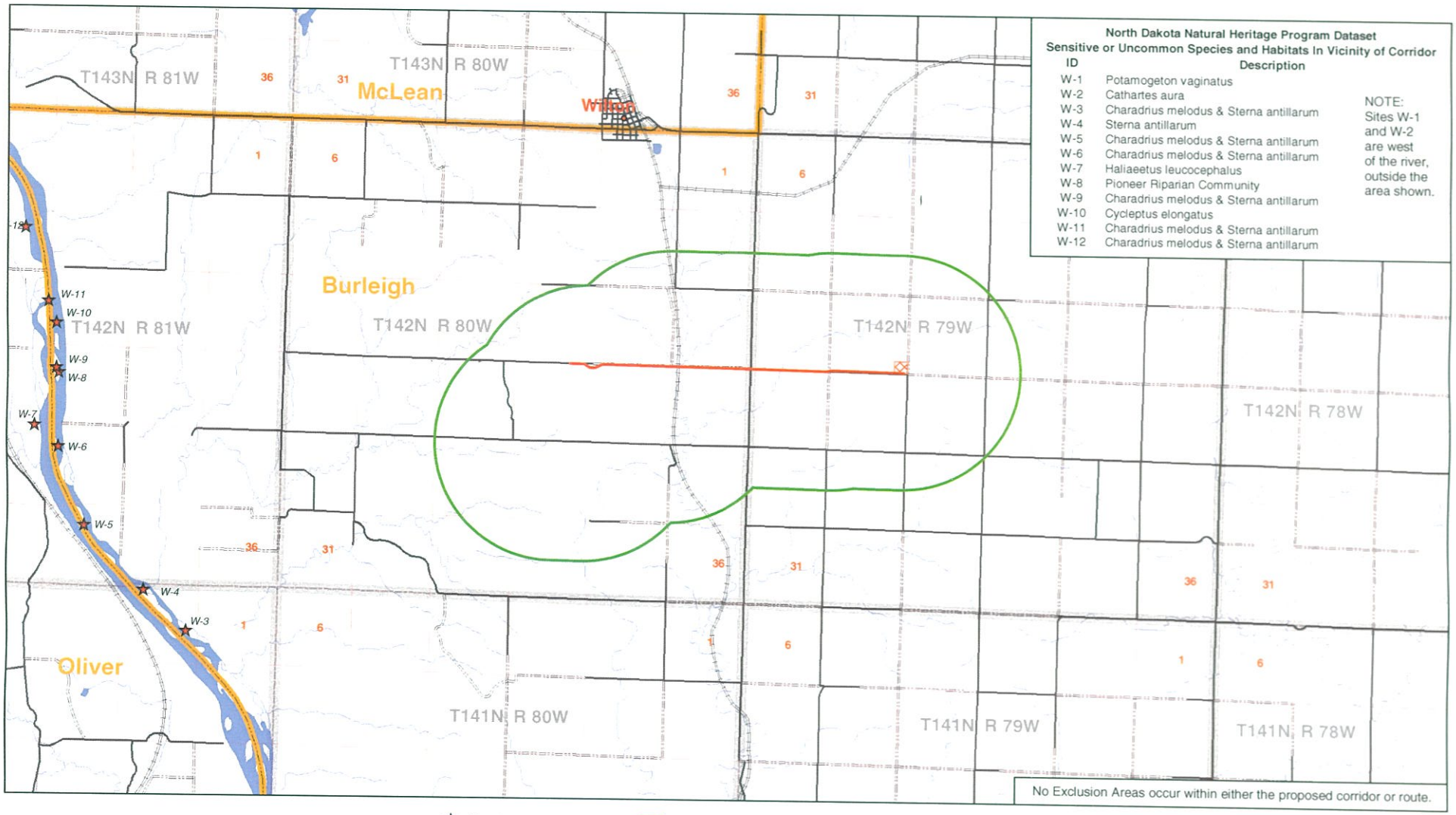
1:20,000

0 1,000 2,000

Feet

- Transmission Towers
- Proposed Transmission Route
- Substation

SUBSTATION LOCATION RELATIVE TO TRANSMISSION LINE
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA



North Dakota Natural Heritage Program Dataset
Sensitive or Uncommon Species and Habitats In Vicinity of Corridor

ID	Description
W-1	Potamogeton vaginatus
W-2	Cathartes aura
W-3	Charadrius melodus & Sterna antillarum
W-4	Sterna antillarum
W-5	Charadrius melodus & Sterna antillarum
W-6	Charadrius melodus & Sterna antillarum
W-7	Haliaeetus leucocephalus
W-8	Pioneer Riparian Community
W-9	Charadrius melodus & Sterna antillarum
W-10	Cycleptus elongatus
W-11	Charadrius melodus & Sterna antillarum
W-12	Charadrius melodus & Sterna antillarum

NOTE: Sites W-1 and W-2 are west of the river, outside the area shown.

No Exclusion Areas occur within either the proposed corridor or route.

TETRA TECH, INC.

1:75,000
0 0.5 1
Miles

Sensitive Species and Habitats
Railroads
County Lines
Transmission Corridor (1.5 Mile Offset)
Proposed Transmission Route
Substation
Trails or Minor Roads
Major Roads

FIGURE 2
EXCLUSION AREAS
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA

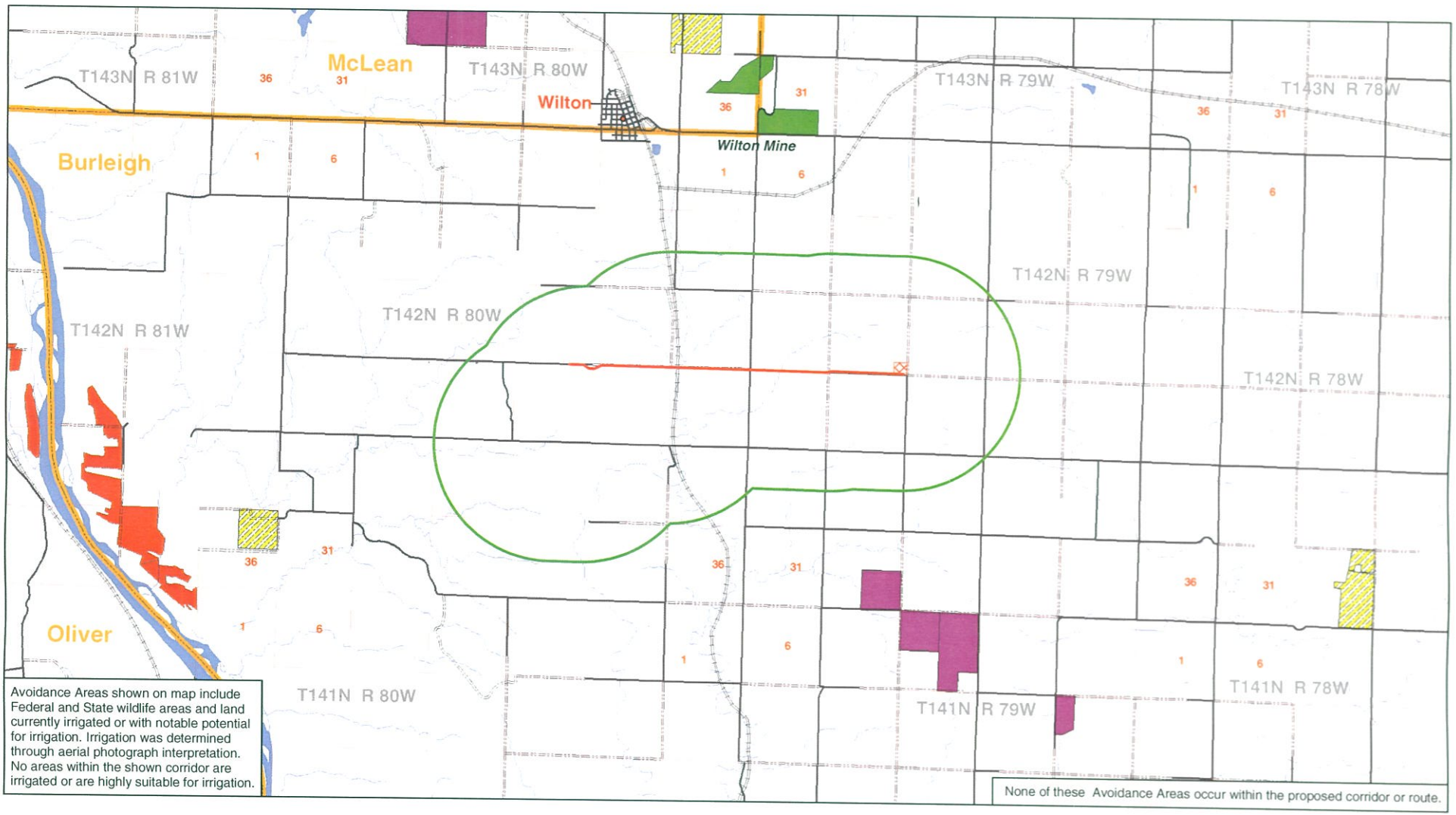


FIGURE 3
AVOIDANCE AREAS
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA

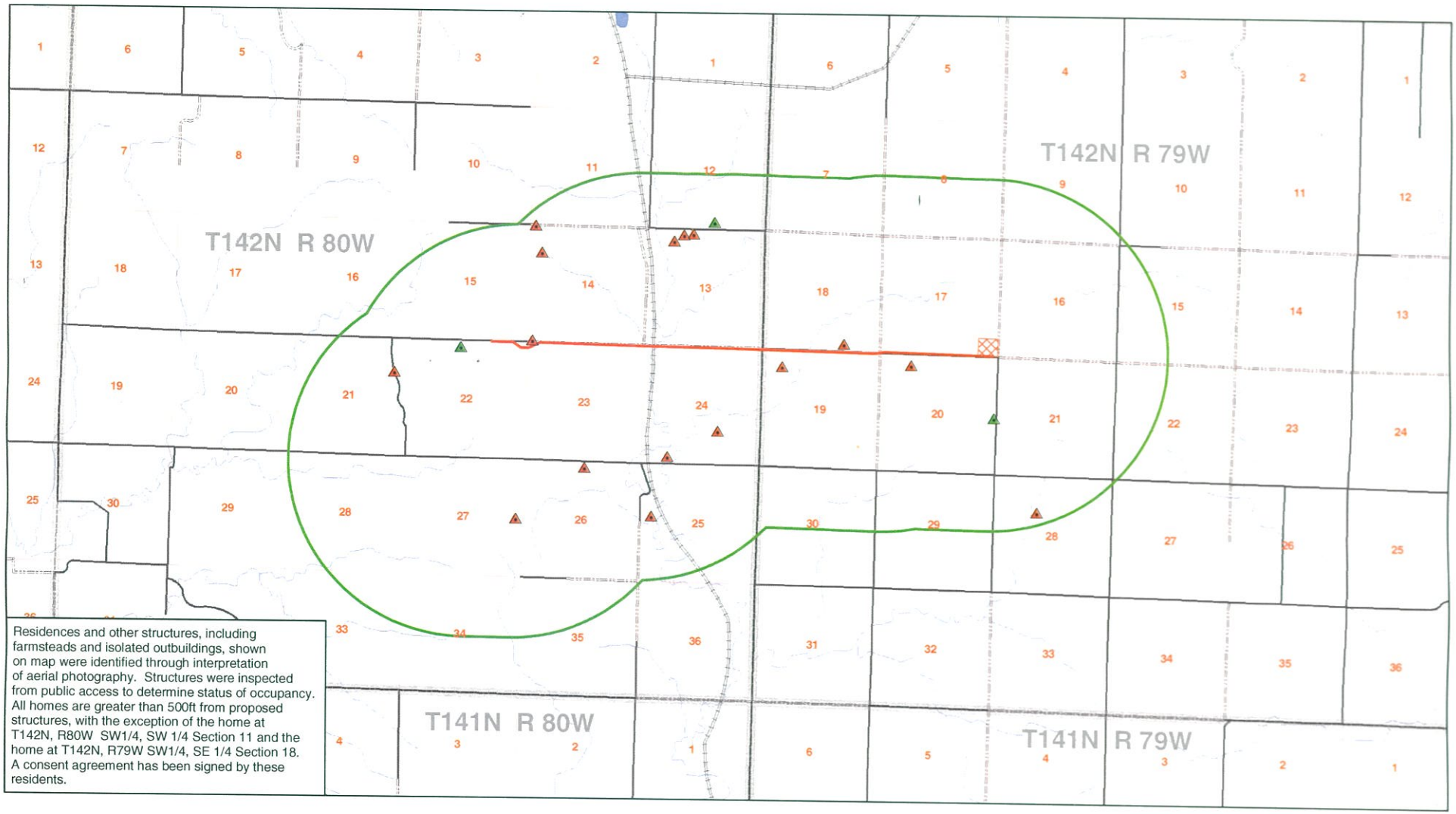
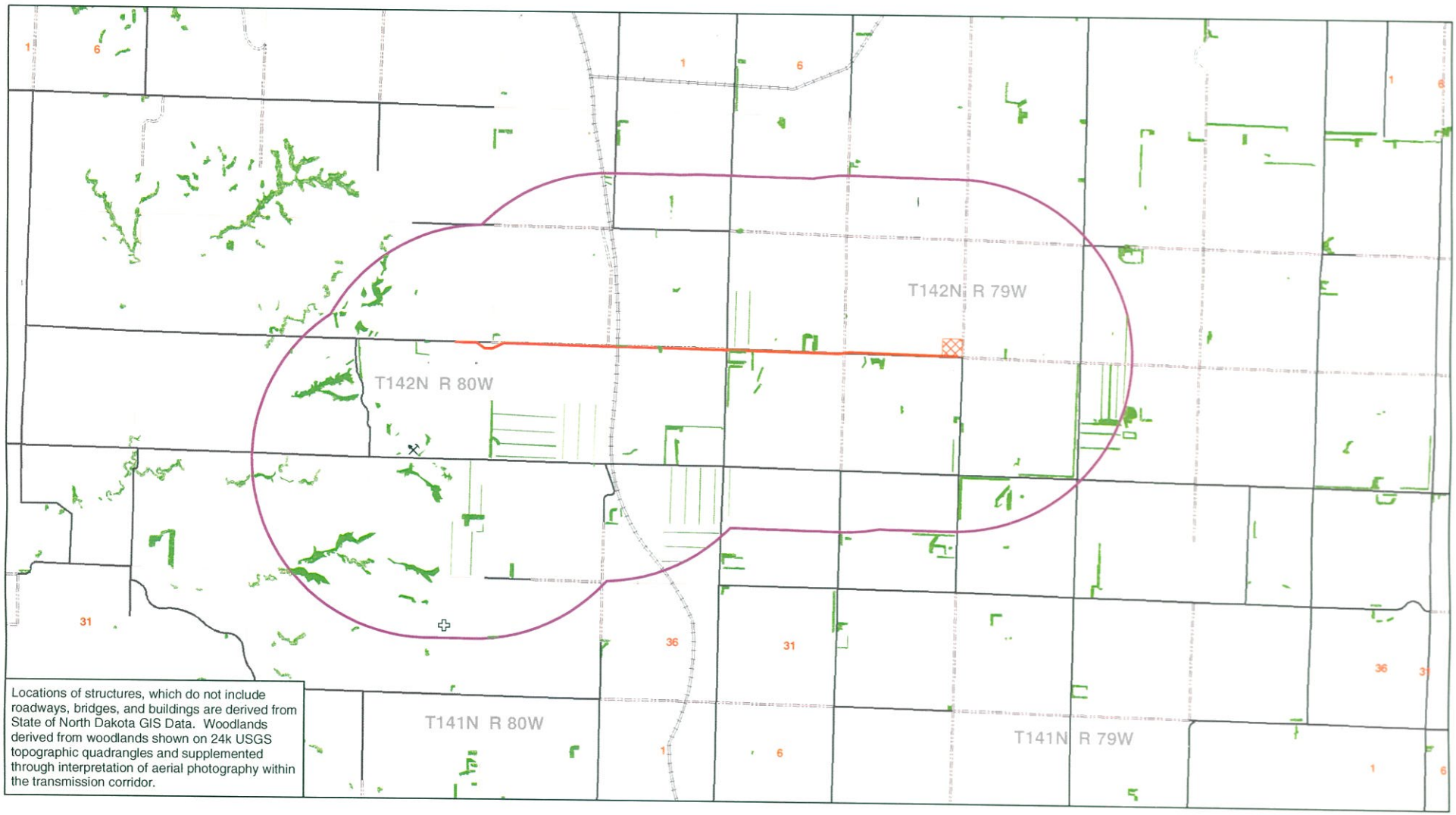


FIGURE 4
AVOIDANCE AREAS - RESIDENCES AND FARMSTEADS
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA



TETRA TECH, INC.

1:50,000

0 0.5 1

Miles

Trails or Minor Roads

Major Roads

Woodlands

Cemetery, North & South

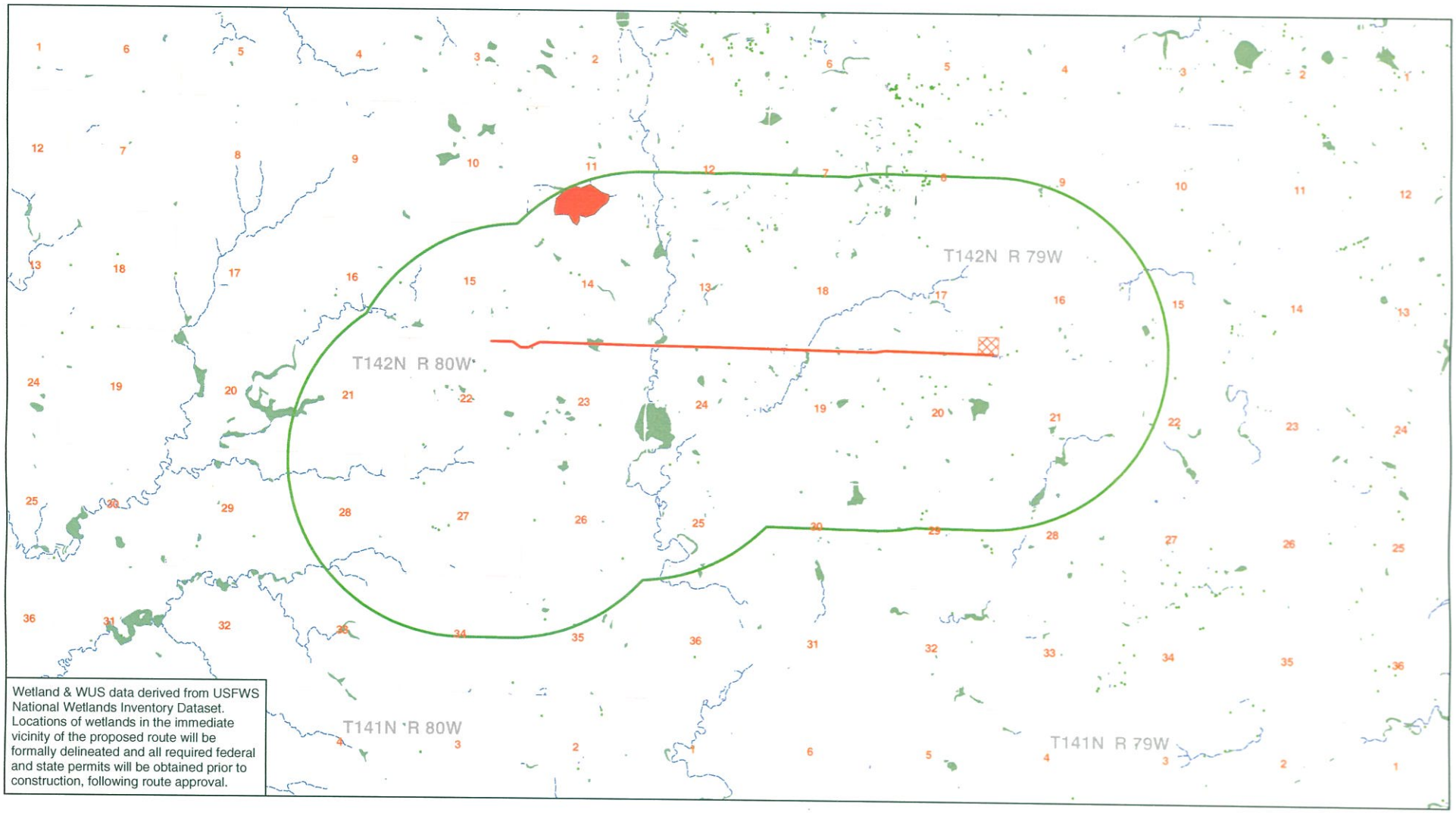
Mine Shaft or Drift

Transmission Corridor (1.5 Mile Offset)

Substation

Proposed Transmission Route

FIGURE 5
AVOIDANCE AREAS - STRUCTURES
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA



TETRA TECH, INC.

1:50,000

0 0.5 1

Miles

Waters of the US
FWS NWI Wetlands
USFWS Wetland Easements
Proposed Transmission Route
Substation
Transmission Corridor (1.5 Mile Offset)

FIGURE 6
AVOIDANCE AREAS - WETLANDS
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA

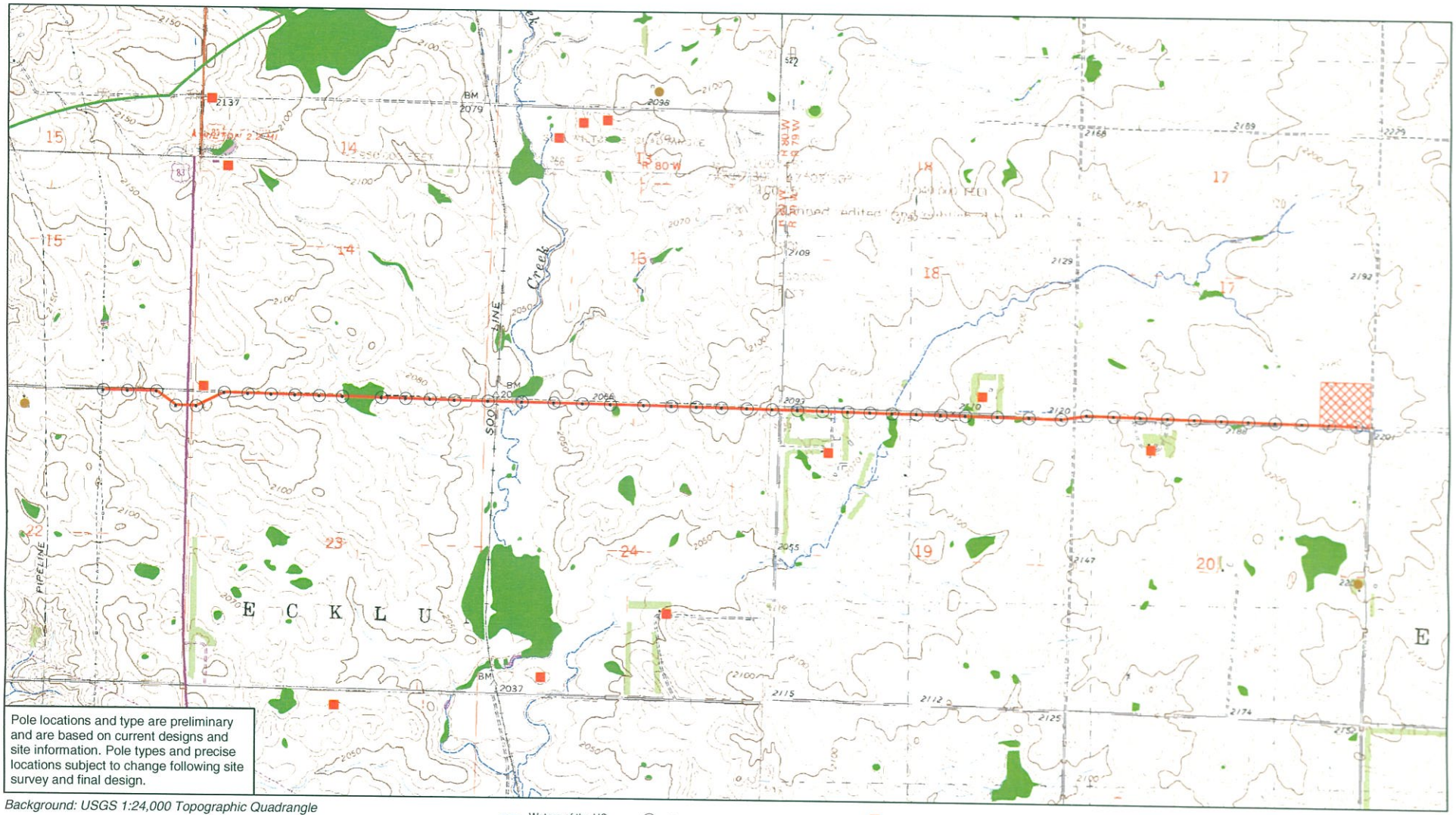


FIGURE 7
DETAIL ROUTE VIEW
ELECTRICAL TRANSMISSION LINE
BURLEIGH COUNTY, NORTH DAKOTA

Attachment 5

"Joseph Giliberti"
<Giliberti@wapa.gov>
06/30/2005 05:50 PM

To "Cathy Cunningham" <CUNNINGH@wapa.gov>
cc <Matthew.Kearns@tteci.com>, "Mary Barger" <BARGER@wapa.gov>, "Nick Stas" <STAS@wapa.gov>, "Dave Swanson" <SWANSON@wapa.gov>, "Theodore
bcc
Subject Draft SHPO letter-Burleigh Windfarm

History: This message has been forwarded.

Hi everyone.

As you may or may not know, we received the summary report on the Burleigh Windfarm cultural resources survey. Both I and the ND SHPO chief archaeologist Paul Pica reviewed the report and found it satisfactory. Based on the report, I sent a letter to Paul via e-mail outlining that Western would be recommending no historic properties affected by the project, provided we follow the avoidance outlined in the report. Based on this letter, and our phone conversations, Paul provided us a conditional concurrence for the project. This is all contingent on 1) we send our standard, formal SHPO letter to them with our stated recommendations and 2) we consult with the tribes as required.

Based on this, we are doing very well in moving to the cultural clearance. Now we have to transmit the report to the tribes and get their ok, and send the SHPO the formal determination letter. I have drafted the SHPO letter to answer the call of the second issue. The tribal stuff Cathy is working on and hopefully we will have it going soon. I think she is working with Matt to get the contact info and a history of what has been done up to now.

Anyway, please look over the attached draft SHPO letter and fix it as needed. Cathy, take a look at the tribal section especially. Ted/Nick, let me know if you guys are cool with all this. I am out until Tuesday, but hopefully we can get this out then.

All of this is ONLY on the original project (33 turbines).

Thanks and have a good weekend!

Joe

Draft SHPO Letter.doc

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
ATTN: Mr. Paul Pica
Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard
Bismarck, ND, 58505-0830
(701)328-2672

RE:Burleigh Wind Farm, NDSHPO Ref. No. 05-0657

Dear Mr. Paaverud:

Western Area Power Administration (Western) has received an interconnection request for a new wind energy facility in Burleigh County, North Dakota. FPL Energy Burleigh County Wind, LLC (Burleigh County Wind) proposes to construct 33 wind turbines with an output of less than 50 megawatts (MW), averaged annually, and approximately four miles of 230-kilovolt (kV) transmission line. The new transmission line would connect the project with Western's existing Garrison-Bismarck transmission line.

In consideration of the effect of the undertaking on cultural resources as per 36 CFR 800.4, a Class III intensive survey of the project area was conducted by Metcalf Archaeological Consultants, Inc. The results of the study are presented in the enclosed report entitled: "*Summary of Results from Burleigh County Wind Energy Center: A Class III Cultural Resources Inventory in Burleigh County, North Dakota*". The report is provided for your review and comments. Based on the results of the survey and the recommendations of avoidance of discovered sites, Western is recommending no historic properties affected by the proposed wind farm construction. The submission of this documentation is to fulfill Western's responsibilities under Section 106 of the National Historic Preservation Act, as amended (NHPA).

I. Description of the Undertaking – Western has received an interconnection request for a new wind energy facility in Burleigh County. Burleigh County Wind proposes to construct a wind farm with the first phase of construction to include 33 wind turbines. In addition to the construction of the turbine sites, 4.3 miles of overhead transmission line and 10.2 miles of access road and collector line will need to be constructed. Geotechnical borings will also need to be taken at turbine locations in order to test the subsurface suitability to the placements of the turbines.

Ground disturbing activities may include preparation of the turbine foundations and turbine construction. Other ground disturbing activities may include substation construction, placement of overhead utility structures, digging for underground collection lines, geotechnical boring, and the blading of access roads. A total of 14.5 miles of linear

features including access roads, collector lines and transmission lines was identified. An area of potential effect (APE) of 200 for these features is proposed. For the 33 turbine locations, a 500 by 500 feet block area is identified as the APE. Three possible substation locations identified have had an APE of 500 by 750 feet identified. Based on these figures, a total area of 570 acres was identified as APE for this project. The legal locations for the project are provided in the abstract of the enclosed report. Topographic maps with the project locations and features are also provided in the enclosed report as Appendix B. All land involved in this project is privately owned.

II. Methodology and Reporting – A records search was conducted which included a site file and literature checks at the North Dakota Office of Archaeology and Historic Preservation. Also, a check of the General Land Office maps was made in search of possible historic site locations. An intensive pedestrian survey was conducted by Metcalf in June of 2005. Transect intervals of between 15 and 20 meters were employed. In addition, 20 shovel tests of 40 cm in diameter were excavated at locations of poor surface visibility. All 570 acres of identified APE were inventoried at 100% level.

III. Results of Survey – Most of the project area is within crop land, with good surface visibility, with the remaining areas in Conservation Reserve Land. Three prehistoric sites, one historic site, and three prehistoric isolates were found during the survey. Table 1 of the enclosed report provides a summary of the resources found. The historic site is a railroad previously recorded as 32BL541. The site record was updated for this resource. The resource will not be affected by the proposed project. The three prehistoric sites are identified as lithic scatters. No National Register of Historic Places eligibility recommendations have been forwarded for these properties. Rather, project features have been moved in order to avoid these areas. The isolated finds include single pieces of lithic debitage. By nature, these sites are considered ineligible for listing on the HRNP. No further work is recommended for these locations.

IV. Effects Determination and Compliance Decision – Effects determinations are the responsibility of the lead Federal agency. Western has considered the nature of the undertaking and the presence of properties that possess the qualities of integrity and meet at least one of the other criteria necessary to be considered for inclusion in the NRHP. Western recommends a finding of no historic properties affected by the proposed wind farm provided the management recommendations of the report (namely avoidance) are followed. Western recommends that the proposed project be allowed to proceed as planned.

In the event that unrecorded cultural resources are encountered during any project activities, all work at the discovery location will be halted and your office will be notified to assist in evaluations of eligibility and effect. FPLE will abide by Western's Chapter 13 requirements (Best Management Practices) and pending agreements with the tribes regarding site monitoring and any inadvertent discovery of human remains.

IV. Coordination-Western recognizes that a number of Native American Tribes may have interest in the area and the proposed project. In order to comply with Western's

obligations under the NHPA, an effort has been ongoing to identify potentially interested Tribes and parties. The effort has been spearheaded by the proponent and facilitated by consultation with the North Dakota Indian Affairs Commission. In addition, the proponent has hired the services of Metis Cultural Resources Consultants to aid in consultation with interested Tribes. To date, seven tribes have been identified as having interest in the project. These include the Three Affiliated Tribes, Standing Rock Sioux, Spirit Lake Sioux, Turtle Mountain, Sisseton Wahpeton Sioux, Northern Cheyenne, and Crow Tribes. Several tribal members were involved with field visits to the project location and in helping to assess potential project impacts to Traditional Cultural Properties (details)....

Western will send all seven Tribes copies of the enclosed report and formally invite their input and comments. Any comments or objections to the proposed project will be forwarded to your office for further consideration of effects.

Western greatly appreciates your continued help with this project. Please concur with our recommendations of **no historic properties affected.** If you have any questions, please contact me at (720) 962-7253, or Joseph Giliberti at (720)-962-7254.

Sincerely,

Mary Barger
Federal Preservation Officer

Attachments

Cc

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