



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
December 19, 2006

RECEIVED
DEC 22 2006
WESTWOOD
PROFESSIONAL SERVICES
[200660643]

David M. Weetman
Westwood Professional Services
7699 Anagram Drive
Eden Prairie, MN 55344

Dear Mr. Weetman:

We have reviewed your request, on behalf of Acciona Wind Energy USA, LLC, for Department of the Army (DA) comments on the proposed construction of the Tatanka Wind Farm. The project includes the construction of approximately 60 wind turbines, electrical transmission lines and access roads. The wind farm project would be located within several Sections, Township 129 North, Range 66 West, Dickey County, North Dakota. It is this office's understanding that an additional 60 wind turbines would be constructed immediately across the state line. You should contact the South Dakota Regulatory Office, 28563 Powerhouse Road, Pierre, South Dakota 57501 regarding Corps regulatory requirements for that portion of the wind farm project.

Based on the information that you have provided to this office, it appears that the proposed wind farm project located in North Dakota would not result in the discharge of dredge or fill material into jurisdictional waters of the United States. Therefore, the proposed wind farm project would not be subject to DA regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act would be required from this office of the Corps of Engineers. Please note that should deviations from the original plans and specifications or subsequent information demonstrate that the project would result in an impact to waters of the United States, the project would require authorization from this office.

Although a DA permit will not be required for this portion of the wind farm project, this does not eliminate the requirement that you obtain any other applicable Federal, State, Tribal or local permits as required.

Should you have any questions regarding this determination, please do not hesitate to contact Jason Renschler of this office at telephone number (701)-255-0015 or at the letterhead address and reference project number 200660643.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

