

Permits Required for the Ashtabula Wind Energy Center  
Late Filed Exhibit

Agency	Permit	Need	Status	Copy of permit attached?
<b>Federal Approvals</b>				
USFWS	Compatibility Analysis of Disturbed Easements	If constructing in wetlands within wetland easements or in WPAs, then compatibility analysis by USFWS is required.	Ashtabula Wind will avoid impacts to wetlands within USFWS wetland easements, therefore permit not required.	N/A
	Right of Way Permit	If use is compatible, then a Right of Way Permit may be required for permanent disturbance in wetlands within wetland easements.		
	Special Use Permit	If use is compatible, then a Special Use Permit is required for temporary disturbance in wetlands within wetland easements.		
USACE	Section 404 Permit (NWP)	Permit required for fill in jurisdictional waters of the US. Further investigation is required to determine USACE jurisdiction of wetlands within the Project area.	Based on the limited impacts to USACE jurisdictional wetlands, the project activities will likely qualify for authorization by a Nationwide General Permit #12. Analysis underway.	N/A
FAA	Form 7460-1, Notice of Proposed Construction	Notice and approval are required for structures over 200 feet in height. FAA approval of lighting and marking of turbines is required.	Revised layout submitted. Awaiting determination of no hazard	Yes
<b>State of North Dakota</b>				
Public Service Commission	Certificate of Site Compatibility	Required for construction of generation facility over 100 MW in size.	Hearing held May 2, 2008. Order anticipated June 1, 2008	No*
	Certificate of Corridor Compatibility	Required for construction of transmission line over 115 kV in size.		
	Certificate of Route Compatibility	Required for construction of transmission line over 115 kV in size.		
North Dakota Department of Health	NPDES Permit: General Construction Storm Water	Required for disturbance of over 1 acre of land. Must prepare a Storm Water Pollution Prevention Plan (SWPPP).	This permit will be applied once Certificate (discussed above) is received	No*
North Dakota Department of Health – Lake Region District Health Unit	Septic Tank and Drainfield Permit	Required for installation of septic system at O&M facility.	This permit will be applied once Certificate (discussed above) is received	No*

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Agency	Permit	Need	Status	Copy of permit attached?
North Dakota Highway Patrol	Overheight/Overweight Permit	Permit required for hauling construction equipment and materials on State Highways.	This permit will be applied once Certificate (discussed above) is received	No*
North Dakota Department of Transportation	Road Approach/Access Permit	Permit required for construction of access roads from State Highways.	This permit will be applied once Certificate (discussed above) is received	No*
	Utility Permit/Risk Management Documents	Permit required for utility crossings on State Highway ROW.		
<b>Local Permits</b>				
Barnes County	Conditional Use Permit	Permit required for project construction.	CUP and Height Variances granted on March 18, 2008. Variance for one turbine (not included in original) granted on May 20, 2008. Hearings will be held for one section of transmission line that was inadvertently left off of original permit is scheduled for June 2008.	<b>Yes</b>
	Haul Road Agreement	Permit required for hauling construction equipment and materials on County Roads.	This permit will be applied once Certificate (discussed above) is received	No*
	Utility Permit	Permit required for utility crossings on County road ROW	This permit will be applied once Certificate (discussed above) is received	No*

\* Permit has not been applied for or has not been received at the time of this late filed exhibit.

# BARNES COUNTY ZONING VARIANCE & TREE SETBACKS

**Variations - Wind turbine height variance.**

A variance is required for a building to be constructed closer than 200 feet from the centerline of a township, county, or state road. A public hearing shall be held, a notice of which shall be published at least one week prior to the hearing in the official newspaper of the County. In addition to the hearing, the board wants a written statement from the appropriate road supervisor giving permission for the specific number of feet that the authorities will allow for the variance. The zoning board makes a motion after the hearing to grant or deny the variance. Cost --\$100, plus advertising cost.

**Tree Setback Change**

Tree setback changes are allowed upon written permission by the appropriate road authority stating a specific number of feet allowed for the setback change. No hearing is required. A motion is made at the planning and zoning meeting. Cost --\$50.

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME PHONE NO.</u>
see attached list	see attached list	see attached list	see attached list
<u>STRUCTURE USE</u>	<u>EST. VALUE</u>	<u>SIZE=LENGTH-WIDTH</u>	<u>CITY OR TOWNSHIP</u>
Wind turbine		Tip height - 420-feet	see attached list
<u>DATE INTRODUCED</u>	<u>DATE APPROVE</u>	<u>FEE--DATE PAID</u>	<u>LEGAL DESC &amp; 911 ADD.</u>
			see attached list
<u>HEARING DATE</u>			<u>Permit #</u>
2/21/2008 19:45			

**COPY TO APPLICANT**

**SIGNATURE APPLICANT:**  
 X-----  
 DATE-----

**SIGNATURE OFFICIAL:**  
 X-----  
 DATE-----

*James R. Stevens*  
 2-21-08

## BARNES COUNTY ZONING CONDITIONAL USE PERMIT

### Conditional Use Permit

Purpose: The development of this code is based upon division of the county into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses upon neighboring premises. Such uses, nevertheless, maybe necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. To obtain a conditional use permit, the request must be advertised twice two full weeks before the meeting. At the hearing, the public is allowed input. After the hearing, the zoning board makes a motion to approve or deny the proposed conditional use permit. Cost--\$100, plus advertising cost.

LAST NAME	FIRST NAME	LEGAL DESCRIPTION	ADDRESS / PHONE
Askerooth Et. Al.	Mark C. & Frances K.	10-142-57 SWQ	12250 20st SE Luverne ND 58056 701-845-3359
Owen / Owen	Paul LE; Joel & Kim	9-142-57; S160 A - E 200 A	Paul Owen 1910 123rd Ave SE Luverne ND 58056 701-845-4994
Owen / Owen	Paul LE; Jon & Barbara	9-142-57 N40A-E200A	Paul Owen 1910 123rd Ave SE Luverne ND 58056 701-845-4994
Svenningsen	Larry & Carmen	W/2 Section 3-142-57	12026 19th St. SE Luverne ND 58056 701-845-0503
Burchill	Richard & Jeanette	34-143-57 W/2	Fountain East Park, 303 S. Recker Road, #240 Mesa AZ 85206 480- 832-4595
Pross	Harold	22-143-57 SWQ	1621 123rd Ave SE, Luverne, ND 58056; 701-668-2379
Pederson	Mark (single)	27-143-57 all	Rt 2 Box 64 Luverne ND 58056 701- 769-2427
Flatt	Merle & Marion	22-143-57 NWQ; 15-143-57 N/2; 14- 143-57 NEQ	120 Secarse Dr Valley City ND 58072 701-845-5262
Diemert (LE)	Jeanne	15-57-143 S/2 & 14-142-57 NWQ	4752 10th Ave S Fargo ND 58103; 701-492-9266

DATE INTRODUCED

DATE APPROVE

FEE--DATE PAID

PERMIT #

HEARING DATE

CONDITIONS

06-27-2006 EXC DOC

**SIGNATURE APPLICANT:**

X-----

DATE-----

**SIGNATURE OFFICIAL:**

X-----  
*James R. Stevens*

DATE-----  
*2-21-08*

No Warranty of Suitability  
Barnes County, by approving a subdivision, auditor's lot, change of use, variance or by issuing a building permit, does NOT warrant that the property in question is suitable for any particular purpose, including but not limited to improvements to real property.

May. 20. 2008\_ 2:55PM

No. 1306 P. 3

## BARNES COUNTY ZONING VARIANCE & TREE SETBACKS

**Variations - Wind turbine height variance.**

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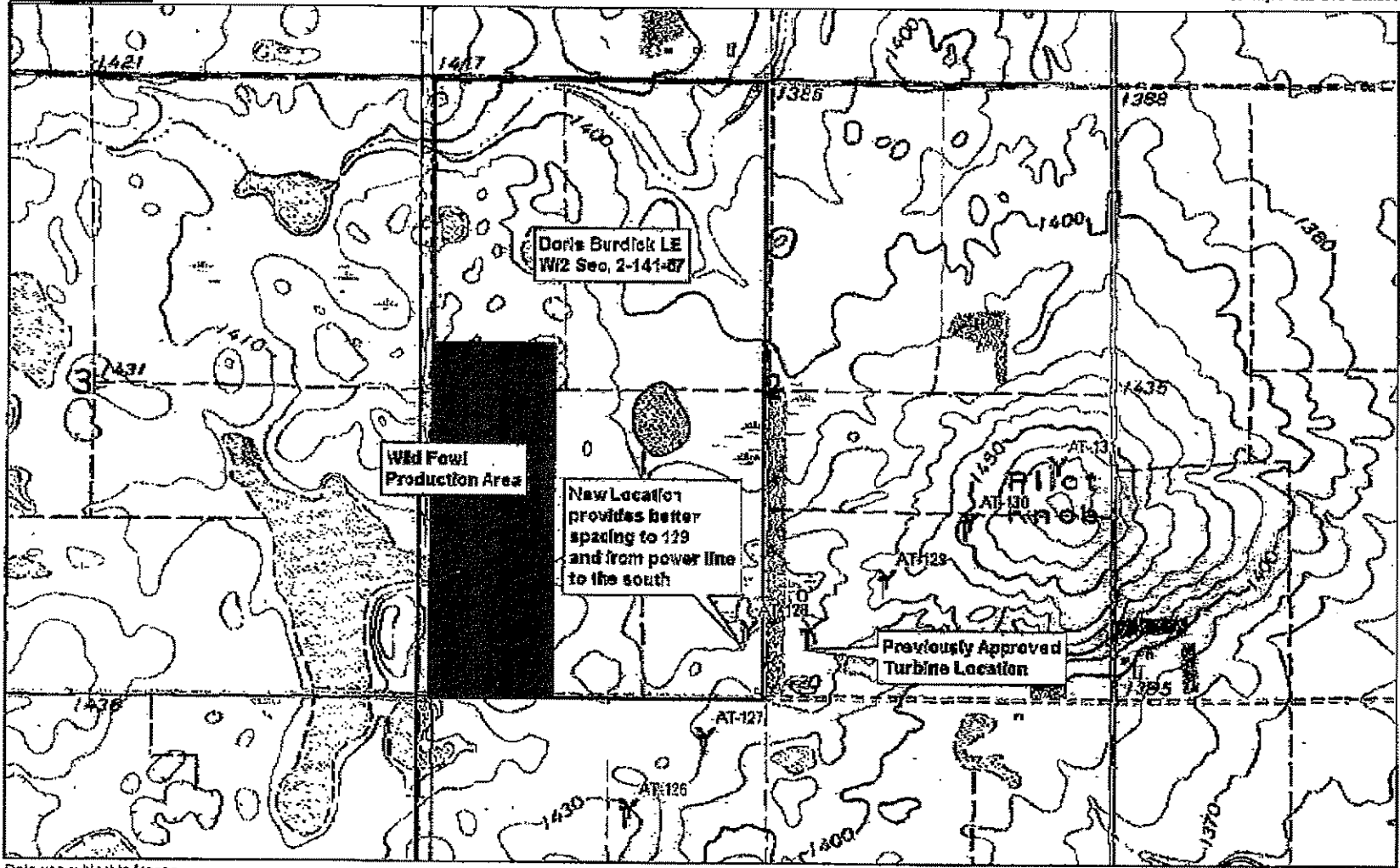
LAST NAME	FIRST NAME	MAILING ADDRESS	HOME PHONE NO.
Burdick LE	Doris	543 2nd St. NE	701-845-0054
STRUCTURE USE	EST. VALUE	SIZE-LENGTH-WIDTH	CITY OR TOWNSHIP
Wind turbine		Tip height - 389-feet	Valley City, ND 58072
DATE INTRODUCED	DATE APPROVE	FEE-DATE PAID	LEGAL DESC & 911 ADD.
	5-8-08		Sec. 2 - T141 - R57 SW/4
HEARING DATE			Permit #
5/8/2008 20:00			1308

**COPY TO APPLICANT**

**SIGNATURE APPLICANT:**  
 *Leah Burdick*  
 for Ashtabula Wind, LLC  
 DATE 5/8/08

**7/5/06 EXC DOC**

**SIGNATURE OFFICIAL:**  
 *James R. Stensrud*  
 DATE 5-8-08



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May. 20. 2008 2:56PM

No. 1306 P. 5

Ashtabula Wind, LLC  
Wind Turbine Height Variance Application  
Scope of Work  
May 8, 2008

Ashtabula Wind, LLC is applying for a wind turbine height variance to move a single turbine, previously approved by Planning & Zoning and the County Commission, onto a new adjacent property. As shown on the attached map, the turbine is proposed to be moved approximately 450-feet west. This would move it from the SE/4 of Section 2-141-57 owned by Richard Anderson to the SW/4 of 2-141-57 owned by Doris Burdick. Ashtabula Wind, LLC has a signed easement for this turbine from Doris Burdick. Since this parcel owned by Doris Burdick was not previously listed as part of Ashtabula Wind's application, the County Attorney, Brad Cruff, advised that Ashtabula Wind, LLC would need to seek a separate height variance for this move.

The new location is surrounded on four sides by adjoining properties owned by participants in the Ashtabula Wind project. As such, there are no adjoining non-participants and the "Minnesota setbacks" discussion is not relevant to this location. It is setback over 1.1 times total turbine height from the road and power line to the south. It is setback over ¼ mile from the waterfowl production area to the west. Its placement is consistent with all requirements of the County and accepted by Ashtabula Wind in its previous submission.

The new location enables an additional landowner, Doris Burdick, to participate in the project. The move provides a more favorable spacing between that turbine and the turbines to the east and west, as well as the road to the south.

This is not an additional wind turbine request, merely the move of one turbine. The proposed height is the same as previously approved, 389-feet. The total number of turbines to be constructed by Ashtabula Wind, LLC shall not exceed the already approved 133 turbines.



May. 20. 2008 2:54PM

No. 1306 P. 2

# AFFIDAVIT OF PUBLICATION NUMBER 377

STATE OF: NORTH DAKOTA  
COUNTY OF: BARNES

Vicky Lovell of said County and State, being first duly sworn, on oath says: that VALLEY CITY TIMES-RECORD, a division of Horizon Publications Management, is a daily newspaper of general circulation printed and published in the City of Valley City in said County and State by the Horizon Publications Management and that I am the clerk of the publisher of the VALLEY CITY TIMES-RECORD and during all of such time covering the publication of this notice have occupied such position on said newspaper, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Hearing May 8 Planning & Zoning

A printed copy of which is hereunto attached, was printed and published in said newspaper 2 times to-wit:

First publication being made on: 4/29

Second publication being made on: 5/6

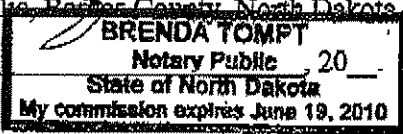
Last publication being made on:     

(Signed) Vicky Lovell

Subscribed and sworn to me this 6<sup>th</sup> day of April, 2008

Brenda Tompt  
Notary Public, Barnes County, North Dakota

My commission expires     



Publication Fee 58 Lines X 64¢ ..... \$ 37.12

Notary Fee ..... \$     

Total ..... \$