

# Tree and Shrub Replacement Plan

## Ashtabula I Wind Project

Prepared for:

**NEXTERA ENERGY RESOURCES**  
Ashtabula Wind, LLC  
ND PSC Case Number: PU-08-32 (Wind Farm)  
ND PSC Case Number: PU-08-73 (Transmission Line)

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On Behalf of:

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March 2011

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# 1.0 Introduction & Regulatory Background

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The Ashtabula Wind Energy Center (Project) was completed in 2008 in Barnes County, North Dakota, within portions of Township 143N, Range 57W, Township 142N, Range 58W, Township 142N, Range 57W, and Township 141N, Range 57W (**Figure 1**). The Project is operated by Ashtabula Wind, LLC (Ashtabula Wind), a subsidiary of NextEra Energy Resources. Ashtabula I comprises a 148.5-megawatt (MW) wind generation plant. Associated with the wind generation plant is a 230 kV electric transmission line, extending approximately 9.5 miles from the Ashtabula Wind Energy Center through Barnes County to an interconnection near Pillsbury, North Dakota (**Figure 1**). Both the Project and associated transmission line are under the jurisdiction of the North Dakota Public Service Commission (PSC). Their construction required the removal of trees and shrubs within Project rights-of-way.

Projects under the jurisdiction of the PSC that require the removal of trees or shrubs in the course of Project construction must replace them, following PSC replacement requirements (**Appendix A**, *Findings of Fact, Conclusions of Law, and Order*, pages 7-11, Case No. PU-08-32 and pages 4-6, Case No. PU-08-73). The PSC requires approval of a Tree and Shrub Mitigation Plan/Replacement Plan before trees or shrubs are planted. Paragraph 16 of the PSC Order (PU-08-32) outlines the specific requirements for tree and shrub replacement, as follows (see also Paragraph 15 of Order PU-08-73, **Appendix A**):

16) Trees and other woody vegetation must be replaced with saplings that are two or more years old at a rate of two for every one removed. Landowners shall be given the option of having replacement trees/shrubs planted on the landowners' property or waiving that requirement in writing, and allowing Ashtabula Wind to plant replacement trees/shrubs elsewhere. Ashtabula Wind shall inspect tree replacements once a year for three years and send a report on or before October 1 of each year to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75%.

Ashtabula Wind retained Tetra Tech EC, Inc. (Tetra Tech) and Wenck Associates, Inc. (Wenck) to assist in the preparation of a tree and shrub mitigation plan for the Project and to assist in contacting landowners to determine their tree replacement preferences.

## 2.0 Inventory of Trees and Shrubs in Project Area

Ashtabula Wind documented the number, type/species, approximate diameter, and location of trees and shrubs removed during construction of the Project (**Tables 1 and 2**). Ashtabula Wind surveyed windbreaks, shelterbelts, other planted areas, and native growth areas that were cleared during construction. Counts were completed by direct stem count. A total of 74 trees were removed from within Project right-of-ways (**Table 1**) and a total of 218 trees and shrubs were removed from within the transmission line right-of-way (**Table 2**), for a total of 292 trees and shrubs. The total number of trees to be replaced based on this inventory is 584, assuming a 2:1 replacement ratio.

**Table 1. Location and Number of Trees Removed within Project Area**

Location			Location Description	Number of Trees Removed	Type of Tree	Approx. Diameter (in)	Landowner
Township	Range	Section					
142N	57W	10	Laydown Yard	36	Cottonwood/Ash	6-24	Mark Askerooth
142N	57W	17	Crane Walk, T69	8	Cottonwood	6-15	Perry Burchill
142N	57W	7	Road, T47	12	Cottonwood	6-15	Casey Burchill
142N	57W	20	Road, T77	9	Cottonwood	6-15	John Molstad
141N	57W	2	Road, T128	9	Cottonwood	6-15	Richard & Elizabeth Anderson
<b>TOTAL</b>				<b>74</b>			

**Table 2. Location and Number of Trees Removed within Transmission Line Right-of-way**

Location			Number of Trees Removed	Type of Tree	Approx. Diameter (in)	Landowner
Township	Range	Section				
142N	57W	10	3	Siberian Pea Shrub	35-39	Owen Family (joint owners Paul Owen and sons Joel Owen and Jon Owen)
			4	Siberian Pea Shrub	40-45	
			11	Green Ash	5-9	
			7	Green Ash	10-14	
			4	Hybrid Cottonwood	10-14	
			4	Hybrid Cottonwood	20-24	
			3	Hybrid Cottonwood	26	
143N	57W	15	114	Green Ash	1	Maynard Flatt
			30	Green Ash	2-4	
			17	Green Ash	5-9	
			1	Green Ash	15	
			7	Lilac	1	
			1	Lilac	3	
			1	Cedar	1	
			4	Cedar	2-4	
			4	Cedar	5-9	
			1	Russian Olive	3	
			1	Russian Olive	14	
1	Native Plum	1				
<b>TOTAL</b>			<b>218</b>			

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## 3.0 Landowner Consultation

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Trees were removed from land owned by seven landowners (**Figure 2**). Wenck contacted each landowner via telephone. Landowners were asked whether they preferred trees to be replaced on their property off the Project right-of-way, or whether they preferred not to have trees replaced on their property and instead have them planted at an alternative location. If landowners wanted replacement on their property, they were asked which tree/shrub species they would prefer for replacement and the number of each if more than one species.

Two of the seven landowners, Perry Burchill and Richard and Elizabeth Anderson, preferred to waive tree replacement on their property (**Table 3**). Signed waivers are attached to this report (**Appendix B**).

The remaining five landowners requested replacement on their property. Planting plans and tree and shrub choices were coordinated with the Barnes County Soil Conservation District (**Appendix C**). Note that John Molstad does not have a planting plan; he will receive saplings to be hand-planted in various locations rather than having a row of trees.

The landowner preferences are listed in **Table 3**. The appropriateness of these requests was reviewed by Wenck, Tetra Tech, and the Barnes County Soil Conservation District. All requested species were suitable to North Dakota growing conditions and are commonly recommended for tree plantings by the North Dakota Forest Service (<http://www.ndsu.edu/ndfs/>) and the Barnes County Soil Conservation District (<http://barnes.nd.nacdnet.org/>). In most cases, trees had been removed from tree row plantings lining edges of agricultural fields, but landowners preferred to have trees replaced near or surrounding their yard as shelterbelts for wind protection, aesthetics, or wildlife attraction. Because the purpose of the replacement plantings often differed from the original plantings where trees were removed, the type/species of the tree also differed to serve the new purpose. For this reason, the landowner preferences for replacement were considered appropriate, though the type of replacement tree was not a direct replacement of the type of tree removed.

Two landowners have special arrangements for their plantings. Mark Askerooth made an arrangement with Ashtabula Wind to have additional trees and shrubs replaced above the allotted 2:1 replacement ratio as compensation for a separate issue relating to construction of the Project on his land (**Table 3; Appendix C**). Casey Burchill is planning to install a large shelterbelt at his own expense in addition to the trees allotted to him by Ashtabula Wind. Ashtabula Wind will be responsible for 64 trees, which includes his allotted 24 trees, the 16 trees originally allotted to Perry Burchill, the 18 trees originally allotted to Richard and Elizabeth Anderson, and the 6 trees originally allotted to two landowners that declined tree replacement for the Ashtabula II Wind Project (South Field) (**Table 3; Appendix C**).

**Table 3. Landowner Preferences for Tree Replacement**

Landowner	Number of Trees Removed (Actual Count)	Number of Replacement Trees	Tree/Shrub Species Requested	Comments
Mark Askerooth	36	231	Rocky Mountain Juniper	Arranged for planting of additional trees through Ashtabula Wind land agent which will be the responsibility of Ashtabula Wind. Trees were planted in Spring 2010. A count was taken October 2010 to determine actual number of trees planted, which are the numbers reported here.
		89	Buffaloberry	
		41	Juneberry	
		40	Wild Plum	
		39	Chokecherry	
		39	Black Chokeberry	
Perry Burchill	8	0 (16 allotted)	None	Preferred allotted trees to go towards Casey Burchill tree planting. Waiver form signed.
Casey Burchill	12	64	Various (See attached planting plan, Appendix C.)	Mr. Burchill is planting additional trees at his own expense aside from those replaced by Ashtabula Wind. Ashtabula Wind will be responsible for 64 trees (24 allotted trees plus 16 trees from Perry Burchill, 18 trees from Richard & Elizabeth Anderson, and 6 trees from the Ashtabula II Wind Project).
John Molstad	9	18	Blue Spruce	No planting plan. Will have saplings hand-planted in various locations.
Richard & Elizabeth Anderson	9	0 (18 allotted)	None	Waiver form signed by land manager, Kenneth DeKrey. These trees will be planted on Casey Burchill's property.
Paul Owen/ Joel Owen/ Jon Owen	36	48	Black Hills Spruce	48 trees will be planted on Joel Owen's property. 24 trees will be planted on Jon Owen's property. See planting plans (Appendix C).
		24	Black Hills Spruce	
Maynard Flatt	182	37	American Linden	Total number of allotted trees is 364. Total number of estimated trees is 358. Trees are planted by linear foot and actual number will be counted after planting.
		8	Golden Willow	
		45	Black Cherry	
		20	Laurel Willow	
		111	Juneberry	
		112	Lilac	
		25	Sandbar Willow	
<b>TOTAL</b>	<b>292</b>	<b>991</b>		<b>Exceeds requirement of 2:1 planting ratio.</b>

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## 4.0 Planting Schedules

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### Spring 2010

The plantings for Mark Askerooth were installed by the Barnes County Soil Conservation District in May 2010 in Section 9, Township 142N, Range 57W (**Appendix C**). A count of the number of trees and shrubs planted was taken in October 2010 (**Table 3**).

### Spring 2011

The plantings for Casey Burchill, John Molstad, Owen Family, and Maynard Flatt will be planted in the spring or early summer of 2011 (**Appendix C**). These landowners preferred to wait an additional year to coordinate tree and shrub choices and planting locations. These plantings will be in Sections 8, 10, 18, and 27, Township 142N, Range 57W and Section 14, Township 143N, Range 57W. Landowners will be responsible for cultivating the area and preparing the soil for planting.

The Barnes County Soil Conservation District will plant replacement trees and install weed barrier fabric if desired by the landowner. Trees will be 2-year-old saplings and shrubs will be stem cuttings.

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## **5.0 Follow-up Documentation and Monitoring**

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After tree plantings are installed, the number, species, location, and date of planting will be documented and filed with the PSC.

Replacement plantings will be inspected each year for three years in 2011 (for 2010 planting only), 2012, 2013, and 2014 (for 2011 plantings only) near the anniversary planting date. The number and type of each surviving tree or shrub will be recorded. Notes on the condition of the saplings will be taken. Survival rates will be calculated and a report will be submitted to the PSC before October 1 of each fall documenting this information. If the survival rate after three years is less than 75 percent, additional plantings may be ordered based on consideration by the PSC.

### **2010 Askerooth Planting**

Documentation of the number, species, location and planting date for the Mark Askerooth replacement planting are included in this report (**Table 3, Sections 3 and 4**). Though survival counts for this planting will not be taken until near the one-year anniversary planting date in Spring 2011, it was noted during the count taken in October 2010 that a high percentage of the saplings and cuttings had died over the summer. Mr. Askerooth estimated that 10 percent of the Junipers had died, 90 percent of the Chokecherry/Chokeberry row had died, and 30 percent of the remaining rows had died.

Because of the high mortality of this planting, Ashtabula Wind has made arrangements to replace the majority of the dead trees and shrubs in spring 2011. The Barnes County Soil Conservation District will provide the tree/shrub stock and Mr. Askerooth would prefer to plant them himself. Documentation and monitoring of both the original and second replacement will proceed as outlined above for the next three years.

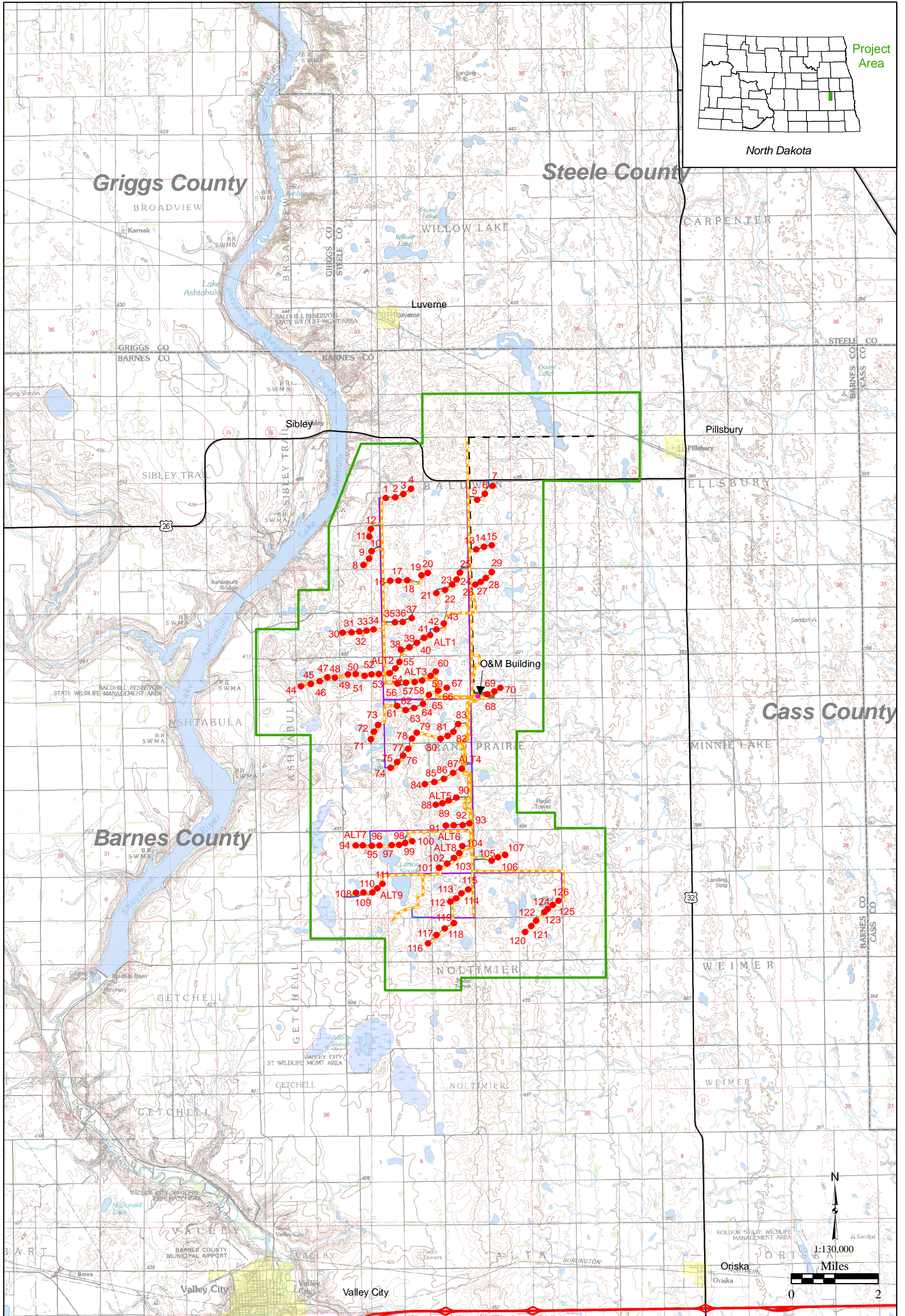
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## **Figures**

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**Project Location Map**

**Site Plan**



March 2008

Figure 1

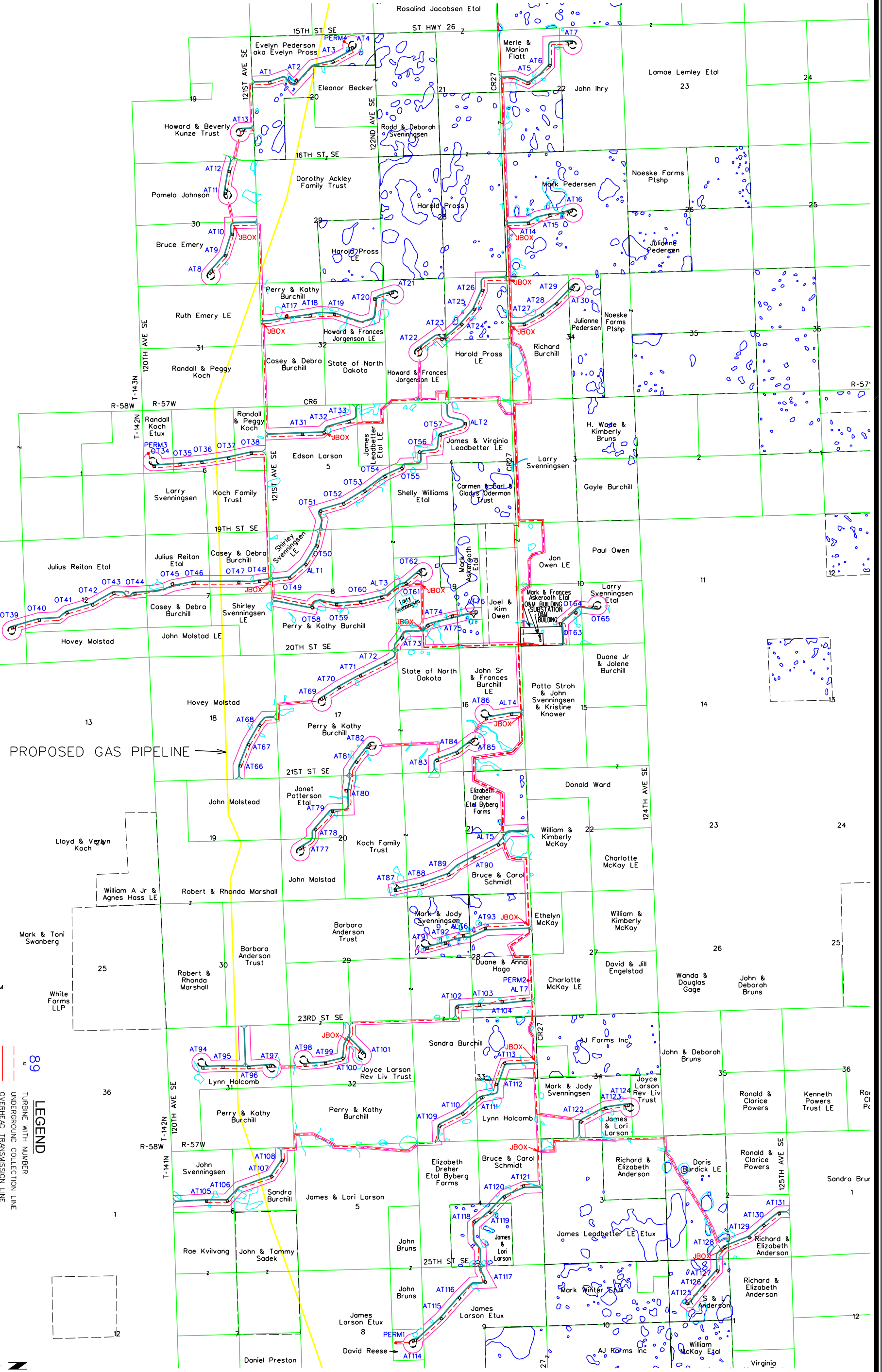


- GE Turbine Array (2-27-08)
- Service Road (12-30-07)
- O&M Building
- - - Access Road (12-30-07)
- - - Transmission Line (2-19-08)
- Substation
- - - Collection Line (12-30-07)
- Laydown Area
- Project Boundary (1 mile buffer)

**Project and Vicinity Map - GE Turbine Array  
Barnes County, North Dakota**  
Ashtabula Wind Farm

NOTE: INFORMATION SHOWN, INCLUDING PROPERTY BOUNDARY LINES, IS A GRAPHIC REPRESENTATION OF EXISTING AND PROPOSED FEATURES AND IS NOT BASED ON LAND SURVEYS. ACTUAL PROPERTY BOUNDARY LINES AND EASEMENTS TO BE DETERMINED PRIOR TO CONSTRUCTION. ALL TURBINE, ACCESS ROAD, COLLECTION AND TRANSMISSION LINE LOCATIONS ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.

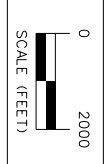
**PRELIMINARY**



PROPOSED GAS PIPELINE →

**LEGEND**

- 89 TURBINE WITH NUMBER
- UNDERGROUND COLLECTION LINE
- OVERHEAD TRANSMISSION LINE
- ACCESS ROADS
- CONSTRUCTION EASEMENT
- PROPERTY BOUNDARY
- EXISTING ROAD RIGHT-OF-WAY
- WETLANDS FIELD DELINEATED
- WETLANDS USACE JURISDICTION
- WETLANDS USFWS EASEMENTS
- CULTURAL SITE



ISSUE DATE: 06-17-2008

# FPL ENERGY - ASHTABULA WIND ENERGY CENTER (GE ARRAY)

## OVERALL PRELIMINARY SITE PLAN

BARNES COUNTY, NORTH DAKOTA

# SNYDER & ASSOCIATES

1751 MADISON AVENUE  
COUNCIL BLUFFS, IOWA 51503 | 712-322-3202  
ATLANTIC, IA 712-243-6505  
ANKENY, IA 515-964-2020  
CEDAR RAPIDS, IA 319-362-9394  
MARYVILLE, MO 660-682-8888  
ST. JOSEPH, MO 816-364-3222

Moved collection from AT1 to AT3 & AT33 to AT22	6/17/08	DW
Moved AT93, Deleted ALT8 & Updated Collection & Roads	6/9/08	DW
Changed Collection Sec 30 & 29-143-57	5/11/08	DW
Ashtabula GE 1311+84LTs Array DW 04-10-08.a1		
MARK REVISION DATE BY		
Engineer: JWK	Checked By: MGG	Scale: 1"=
Technician: DW	Date: 11-30-07	Field Bk: Pg:
Project No: 1070775		
File No:		

1070775  
Sheet 1 of 1

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## **Appendix A**

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# **North Dakota Public Service Commission Findings of Fact, Conclusion of Law, and Order**

**Project Area – Case No. PU-08-32**

**Transmission Line – Case No. PU-08-73**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Ashtabula Wind, LLC  
Electric Generation/Wind - Barnes County  
Siting Application**

**Case No. PU-08-32**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**May 30, 2008**

**Appearances**

Commissioners Susan E. Wefald, Kevin Cramer and Tony Clark.

Brian R. Bjella, Attorney-at-Law, Fleck, Mather & Strutz, Ltd., 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicant, Ashtabula Wind, LLC.

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Allen C. Hoberg, Administrative Law Judge and Director, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Procedural Hearing Officer.

**Preliminary Statement**

On February 22, 2008, Ashtabula Wind, LLC (Ashtabula Wind) filed a Letter of Intent (LOI) to submit an application for a Certificate of Site Compatibility for a proposed 200 MW Ashtabula Wind Energy Center, in Barnes County, North Dakota. Ashtabula Wind requested in its LOI that the Commission shorten the one-year waiting period required between filing of the LOI and the filing of an application.

On February 27, 2008, the Commission shortened the one-year notice period to one day and assessed a filing fee of \$100,000.00.

On March 24, 2008, Ashtabula Wind filed its application for a Certificate of Site Compatibility authorizing construction of a 200 MW Ashtabula Wind Energy Center consisting of up to 133 wind turbine generators and associated facilities in Barnes County, North Dakota.

On April 4, 2008, the Commission deemed the Application complete and issued a Notice of Filings and Notice of Hearings scheduling a public hearing to begin May 2, 2008, at 10:30 a.m. CDT in the Valley City Auditorium, 320 Central Avenue South,

Valley City, North Dakota 58072. The Notice identified the following issues to be considered:

1. Will the location, construction and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility locations minimize adverse human and environmental impacts while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?
4. Is it appropriate for the Commission to waive procedures and time schedules requested, including the request for a single consolidated application for a corridor certificate and route permit?

On May 2, 2008, a public hearing was held as scheduled. Having allowed all interested persons an opportunity to be heard, and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

#### **Findings of Fact**

1. Ashtabula Wind is a Delaware limited liability corporation headquartered in Juno Beach, Florida. Ashtabula Wind is a subsidiary of FPL Energy, LLC, also of Juno Beach, Florida and a national leader in the development of wind energy.
2. Ashtabula Wind proposes to construct the Ashtabula Wind Energy Center consisting of up to 133 wind turbines and associated facilities in Barnes County, North Dakota.
3. Construction of the Ashtabula Wind Energy Center is expected to take approximately seven months, at an estimated cost of \$335 million.
4. The project site is located just north of Valley City, North Dakota. It encompasses 49,493 acres (77 square miles). The wind turbines will be placed throughout the project site.
5. Associated facilities to be constructed within the project area include access roads, underground collection and feeder lines, meteorological towers, a collection substation, and an operations and maintenance building.

6. The project will have a name plate (gross) generating capacity of up to 199.5 MW. Assuming net capacity factors are between 38% and 45%, the projected average annual output is estimated between 664,096 to 786,429 MW hours.

7. Otter Tail Corporation has filed an application for a certificate of public convenience and necessity to construct and own 32 of the Ashtabula Wind Energy Center turbines and associated facilities totaling 48 MW of nameplate generating capacity. That application is pending before the Commission in Case No. PU-08-200.

8. Ashtabula Wind plans to use General Electric 1.5 MW turbines. These are utility grade wind turbines with a nominal name plate rating of 1,500 kW. Each turbine will have an 80 meter (262 feet) hub height and a 77 meter (253 feet) rotor diameter. The turbines begin operating at wind speeds of 3.5 meters per second (7.8 miles per hour) and reach a rated capacity of 1.5 MW at a wind speed of 14.5 meters per second (32.5 miles per hour).

9. Each turbine is designed to operate at wind speeds of up to 25 meters per second (56 miles per hour) and can withstand wind speeds of over 45 meters per second (100 miles per hour).

10. Each turbine is secured by a concrete foundation. Turbine lighting is limited to warning lights required by the Federal Aviation Administration. The control panel inside the base of each turbine tower houses communication and electronic circuitry. Each turbine is equipped with a wind speed and direction sensor that communicates with the turbine's control system to signal when sufficient winds are present for operation. Electricity generated by each turbine is brought to a pad-mounted transformer where the voltage is stepped up to a power collection line voltage of 34.5 kV. This electricity is collected by sets of underground power collection lines.

11. An underground feeder system delivers the electricity to a project collection substation where the voltage is stepped up for transmission over approximately 9.5 miles of new 230 kV transmission line proposed by Ashtabula Wind in Case No. PU-08-73 to an interconnection with a new Pillsbury-Fargo transmission line and Pillsbury substation being proposed by Minnkota Power Cooperative, Inc. in Case No. PU-08-48.

12. Wind data was collected by two meteorological towers, one on the project site and one adjacent to the project site. The wind data collected indicate this is an excellent site for a wind farm.

13. Ashtabula Wind will construct the Ashtabula Wind Energy Center in compliance with the National Electric Safety Code.

14. Ashtabula Wind contemplates commencing construction in May 2008. Construction is expected to take approximately seven months to complete. Ashtabula Wind anticipates testing and operations to begin in September 2008, and anticipates commercial operation by December 31, 2008.

15. Ashtabula Wind has obtained all easements and other property rights necessary to construct the Ashtabula Wind Energy Center. Land rights acquired include wind easements, buffer easements, access roads, and underground collection and feeder line easements.

16. Safety factors will be incorporated into the wind turbines. Each turbine will be equipped with Supervisory Control and Data Acquisitions (SCADA) communication technology to control and monitor the turbine. In addition, each turbine is also equipped with a lightning protection system and is grounded and shielded to protect against lightning.

17. North Dakota Administrative Code Chapter 69-06-08, sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria set forth in North Dakota Administrative Code § 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria. With the exception of prime and unique farm land, an energy conversion facility must not be sited within an Exclusion Area. The exception for prime and unique farm land is if the Commission finds that the prime and unique farm land that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural production, then such exclusion shall not apply. An energy conversion facility must not be sited within an Avoidance Area unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly siting of facilities; system reliability and integrity; efficient use of resources; and alternative sites. In accordance with the Commission's Selection Criteria, an energy conversion facility shall be approved if it is demonstrated that no significant adverse impacts will result from the location, construction, and operation of the facility. In accordance with the Commission's policy criteria, preference may be given to an applicant demonstrating certain benefits of the energy conversion facility.

18. The Commission finds that the unique and prime farm land to be disturbed by this energy conversion facility is of such small acreage as to be of negligible impact on agricultural production.

19. Waterfowl production areas administered by the United States Fish and Wildlife Service are located within the project area. Ashtabula Wind has proposed a buffer of 0.25 miles from each waterfowl production area with one exception which was accepted by the USFWS. The access road and collector line running to Turbine 128 will be located within the buffer but will not affect the waterfowl production area. The U.S. Fish and Wildlife Service concurred in this buffer recommendation.

20. The only Avoidance Areas identified within the project area are woodlands and wetlands. Woodland impacts are not anticipated. Ashtabula Wind recommends a buffer of 0.25 miles around waterfowl production areas except as noted above. All other

wetland resources will be avoided to the extent practicable, and Ashtabula Wind will obtain appropriate permits from the U.S. Army Corps of Engineers as necessary. In addition, Lake Ashtabula is located one mile west of the nearest wind farm infrastructure. Thus, there will be minor visual impacts to recreation.

21. With respect to historical resources which are not designated as Exclusion Areas, Ashtabula Wind has been in consultation with the North Dakota State Historic Preservation Office (SHPO). Class I and III surveys, including a search of SHPO's site and managed files, was conducted by Beaver Creek Archeology, Inc., Linton, North Dakota, for the project area. Based upon the results of the file search, one architectural site and one architectural site lead were found within the records. The Class III cultural resource inventory indicated a total of five areas containing cultural materials. Three sites are not eligible for the National Register of Historic Places and therefore do not need to be avoided. Two sites are potentially eligible and will be flagged and avoided during construction. In addition to the newly discovered cultural resources, two site leads that fall within the project boundary were investigated. One site lead is a historic cemetery that will not be impacted by project facilities. The second site lead is a prehistoric effigy mound that was destroyed by farming and deemed ineligible. A "No Historic Properties Affected" will be recommended for the Area of Potential Effect (APE), and consequently, no further investigation will be recommended. Ashtabula Wind will seek concurrence from SHPO on its recommendations.

22. Ashtabula Wind will implement its Wildlife Response Reporting System when turbine construction is completed. The reporting system includes protocols from field technicians during routine maintenance and operations to report and document any avian impacts.

23. Ashtabula Wind will maintain groundwater protection and soil conservation practices to protect topsoil and adjacent resources, and to minimize soil erosion during construction and operation of the project. Best management practices for erosion and sediment control will be installed to minimize erosion during and after construction.

24. Ashtabula Wind submitted substantial evidence to demonstrate that the proposed energy conversion facility would not have any significant impact on the Selection Criteria set forth in North Dakota Administrative Code § 69-06-08-01(3).

25. Ashtabula Wind submitted substantial evidence to demonstrate its commitment to maximize the benefits of the proposed energy conversion facility as far as is possible so as to meet the Policy Criteria set forth in North Dakota Administrative Code § 69-06-08-01(4).

26. The proposed project is not expected to have any significant adverse economic or social consequences. No significant adverse impact is foreseen on the ability of the affected area to provide community services, such as housing, health care, schools, police and fire protection, water and sewer, solid waste management, transportation, or

public safety. The proposed project is expected to be of economic benefit to the affected area.

27. No turbines will be placed within 1400 feet of an occupied residence. As a result, average noise levels at such residences should not exceed the general accepted 50 dB standard.

28. Approximately 15 acres of agricultural production will be impacted due to turbine placement and access roads. In addition, approximately ten acres will be permanently impacted due to the operations and maintenance building and project substation. Wind turbine configuration will not result in significant impacts to agricultural production. No impacts to the agricultural quality of the crop land are anticipated. If compaction of soils occurs during construction, Ashtabula Wind will work with landowners to alleviate compaction.

29. No impacts are expected to animal health or safety, other than the potential for avian species and bat species' collisions with turbines. Based upon studies prepared by Ashtabula Wind's environmental consultant, that impact is expected to be minimal. Ashtabula Wind will implement measures to avoid and minimize effects to wildlife at the proposed site by siting facilities away from wetlands and woodlands when possible.

30. Ashtabula Wind has proposed setbacks of 420 feet from existing transmission lines, roads and railroads.

31. North Dakota Century Code § 49-22-16(3) provides that no energy conversion facility site shall be designated that violates any county or city land use, zoning, building rules, regulations or ordinances. Ashtabula Wind has obtained a Conditional Use Permit and Variance from the Barnes County Commission, granting zoning approval for the Ashtabula Wind Energy Center.

32. Ashtabula Wind has consulted with numerous other local, state and federal agencies which are listed on pages 60 and 61 of its Application. Two agencies providing significant input are the North Dakota Game and Fish Department and the U.S. Fish and Wildlife Service. The North Dakota Game and Fish Department indicated that its primary concern is with the disturbance of native prairie and avian monitoring. The disturbance of native prairie will be minimal. Ashtabula Wind conducted an avian survey in the fall of 2007. Results were submitted to the Commission. Concerns of the U.S. Fish and Wildlife Service focused on migratory birds, wetlands, native grasslands, woodland resources, and threatened and endangered species. No significant impacts to any of these resources are anticipated. Neither agency has objected to construction of the project.

33. Ashtabula Wind reports a contractual obligation to landowners to remove the wind facilities, including foundations to a depth of three feet, when the wind easement expires. Ashtabula Wind reserves the right to explore alternatives regarding project decommissioning at the end of the project term. Retrofitting the turbines and power

systems with upgrades based on new technology may allow the wind farm to produce efficiently and successfully for many more years.

From the foregoing Findings of Fact, the Commission makes its:

### **Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.
2. The energy conversion facility proposed by Ashtabula Wind is an energy conversion facility as defined in North Dakota Century Code, § 49-22-03(11).
3. The proposed project is of such design, location and purpose that it will produce minimal adverse effects, as defined in North Dakota Century Code § 49-22-05.2.
4. The application submitted by Ashtabula Wind meets the site evaluation criteria required by North Dakota Century Code Chapter 49-22.
5. The location, construction, and operation of the proposed energy conversion facility will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
6. The proposed energy conversion facility is compatible with environmental preservation and the efficient use of resources.
7. The proposed energy conversion facility will minimize adverse human and environmental impact, while ensuring continuing system reliability and integrity, and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
8. The Commission has jurisdiction to ensure compliance with National Electric Safety Code Standards in the construction and operation of the proposed energy conversion facility.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### **Order**

The Commission orders:

1. Certificate of Site Compatibility No. 7 for an energy conversion facility is issued to Ashtabula Wind for the construction, operation and maintenance of a wind energy facility known as the Ashtabula Wind Energy Center.
2. The site as described in the application is located north of the City of Valley City, North Dakota, and is designated as the site for construction of the Energy Conversion Facility.
3. Within the permitted area, Ashtabula Wind is authorized to site and construct up to 200 MW of wind turbines in proposed and alternative locations, along with electric collection and communication lines, a project substation, a project operations and maintenance building, meteorological towers, access roads, and other associated facilities as identified in the application.
4. Ashtabula Wind shall comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed project, including all city, township and county zoning regulations. Prior to commencing construction of any phase of the proposed project, Ashtabula Wind shall obtain all other necessary approvals and permits for construction of such phase, and provide copies to the Commission prior to construction of each such phase.
5. Ashtabula Wind shall conduct a pre-construction conference prior to the commencement of any construction, and must include an Ashtabula Wind representative, its construction supervisor, and a representative of the Commission staff to ensure that Ashtabula Wind fully understands the conditions set forth in this Order.
6. Ashtabula Wind shall inform the Commission of its intent to start construction on the energy conversion facility prior to the commencement of construction, and while construction is underway, Ashtabula Wind shall keep the Commission updated of construction activities on a weekly basis.
7. Ashtabula Wind shall construct and operate the energy conversion facility in the manner described in this application, at the hearing, in late filed exhibits, and in accordance with all applicable safety requirements.
8. Ashtabula Wind shall construct the energy conversion facility in compliance with the National Electric Safety Code.
9. Ashtabula Wind shall report to the Commission the presence in the permit area of any critical habitat of threatened or endangered species, or a bald or golden eagle that Ashtabula Wind becomes aware of and were not previously reported to the Commission.
10. If any cultural resources, paleontological resources, archeological site, historical resource, or grave site is discovered during construction of the facility, earth disturbing activities in the immediate vicinity of this discovery must be halted. The resource must

be marked, preserved, and protected from any further disturbance until a professional examination can be made in consultation with the North Dakota SHPO. A report of such examination must be filed with the Commission, and clearance to proceed is given by the Commission.

11. All pre-existing township and county roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads during construction must be restored to their original condition.

12. Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.

13. Reclamation, fertilization and reseeding will be completed by Ashtabula Wind according to the Natural Resource Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

14. Ashtabula Wind's obligations for reclamation and maintenance of the site shall continue throughout the life of the energy conversion facility.

15. When the energy conversion facility is retired, structures and other facilities must be removed to a depth of at least four feet, or in accordance with applicable rules, and the areas restored to as near as original condition as is practicable.

16. Trees and other woody vegetation must be replaced with saplings that are two or more years old at a rate of two for every one removed. Landowners shall be given the option of having replacement trees/shrubs planted on the landowners' property or waiving that requirement in writing, and allowing Ashtabula Wind to plant replacement trees/shrubs elsewhere. Ashtabula Wind shall inspect tree replacements once a year for three years and send a report on or before October 1 of each year to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75%.

17. Ashtabula Wind shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.

18. Ashtabula Wind shall repair or replace all drainage tile, broken or damaged, during all phases of construction and operation of the proposed energy conversion facility.

19. Staging areas or equipment must not be located on cultivated land unless otherwise negotiated with landowners.

20. Ashtabula Wind shall remove all waste that is a product of construction and operation, restoration and maintenance of the site, and properly dispose of it on a regular basis.
21. Ashtabula Wind shall, as soon as practicable, upon the completion of the construction of each wind turbine, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.
22. Ashtabula Wind shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility, and any restriction of possible danger concerning the proposed energy conversion facility.
23. Ashtabula Wind shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.
24. Ashtabula Wind shall advise the Commission of any extraordinary events which take place at the site of the energy conversion facility, such as tower collapse, extensive turbine failure, injured worker or private individual, mortality events of any threatened or endangered species or the discovery of a large number of dead birds or bats on the site within five business days of such event.
25. Ashtabula Wind shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Ashtabula Wind.
26. All Underground electric line crossing of graded roads must be bored unless the responsible governing agency permits Ashtabula Wind to open cut the road.
27. Where available, at least 12 inches of topsoil over and along open cut areas, roadways, tower locations, and locations of associated facilities must be stripped and segregated from the subsoil and be replaced only after the subsoil is replaced.
28. Ashtabula Wind shall bury all underground collection and feeder lines to a depth of at least 48 inches to the top of the lines.
29. Ashtabula Wind shall work with landowners and residents in the area to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.
30. Ashtabula Wind shall provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction, and shall obtain approval from the Commission or from Commission staff prior to any changes in those surveyed locations.
31. Ashtabula Wind shall provide the Commission with as-built drawings within three months after construction of the energy conversation facility is complete.

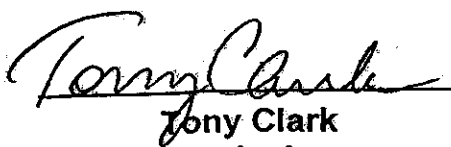
32. The Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the Certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.

33. Ashtabula Wind shall maintain records which will demonstrate that it has complied with the requirements of this order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.

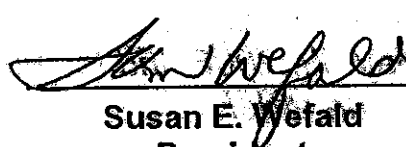
34. North Dakota Century Code § 49-02-07 provides that the Commission has the power to establish rules for decommissioning of wind energy conversion facilities. Ashtabula Wind is required to comply with all applicable rules adopted by the Commission pursuant to such statute.

35. The authorizations granted by the Certificate of Site Compatibility for this energy conversion facility are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

**PUBLIC SERVICE COMMISSION**



**Tony Clark**  
Commissioner



**Susan E. Wefald**  
President



**Kevin Cramer**  
Commissioner

**PUBLIC SERVICE COMMISSION**  
**STATE OF NORTH DAKOTA**

**Certificate of Site Compatibility for Energy Conversion Facility  
Number 7**

*This is to certify that the Commission has designated an energy conversion facility site for Ashtabula Wind, LLC's 200 MW wind energy facility in Barnes County, North Dakota.*

*The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria.*

*This certificate is issued in accordance with the Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU-08-32 dated May 30, 2008 and is subject to the conditions and limitations noted in the order.*

*Bismarck, North Dakota, May 30, 2008.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Director**

  
**Commissioner**

**MOTION**

**May 30, 2008**

**Ashtabula Wind, LLC  
230 kV Electric Transmission Line Barnes County  
Siting Application**

**Case No. PU-08-73**

I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing a corridor certificate and route permit to Ashtabula Wind, LLC authorizing the construction and operation of approximately 9.5 miles of 230 kV electric transmission line in Barnes County, North Dakota, Case No. PU-08-73.

JRL

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Ashtabula Wind, LLC  
230 kV Electric Transmission Line - Barnes County  
Siting Application**

**Case No. PU-08-73**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**May 30, 2008**

**Appearances**

Commissioners Susan E. Wefald, Kevin Cramer and Tony Clark.

Brian R. Bjella, Attorney-at-Law, Fleck, Mather & Strutz, Ltd., 400 East Broadway, Suite 600, Bismarck, North Dakota 58501, on behalf of the Applicant, Ashtabula Wind, LLC.

William W. Binek, Chief Counsel, Public Service Commission, State Capitol, Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Allen C. Hoberg, Administrative Law Judge and Director, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882.

**Preliminary Statement**

On February 20, 2008, Ashtabula Wind, LLC (Ashtabula Wind) filed a Letter of Intent (LOI) to submit siting applications for a 230 kV electric transmission line in Barnes County, North Dakota. Ashtabula Wind requested in its LOI that the Commission shorten the one-year waiting period required between filing of the LOI and the filing of an application.

On February 27, 2008, the Commission shortened the one-year waiting period to one day, and assessed a filing fee of \$15,000.00.

On March 24, 2008, Ashtabula Wind filed an Application for a Waiver or Reduction of Procedures and Time Schedules and a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit authorizing construction of approximately 9.5 miles of 230 kV electric transmission line and associated facilities extending from the proposed Ashtabula Wind Energy Center (Case No. PU-08-32) to an interconnection to be established (Case No. PU-08-48) near Pillsbury, North Dakota. Ashtabula Wind filed revised applications on April 2, 2008.

On April 4, 2008, the Commission found the revised applications to be complete conditioned on Ashtabula Wind filing proposed transmission line structure locations on or before April 25, 2008 and issued a Notice of Filings and Notice of Hearings, scheduling a public hearing to begin May 2, 2008, at 9:00 a.m. CDT in the Valley City auditorium, 320 Central Avenue South, Valley City, North Dakota 58072. The Notice identified the following issues to be considered:

1. Will the location, construction and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?
3. Will the proposed facility location minimize adverse human and environmental impacts while ensuring continued system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?
4. Is it appropriate for the Commission to waive procedures and time schedules requested, including the request for a single consolidated application for corridor certificate and route permit?

On April 25, 2008 Ashtabula Wind filed proposed transmission line structure locations.

On May 2, 2008, a public hearing was held as scheduled. Having allowed all interested persons an opportunity to be heard, and having heard, reviewed and considered all testimony and evidence presented, the Commission makes the following:

#### **Findings of Fact**

1. Ashtabula Wind is a Delaware limited liability corporation headquartered in Juno Beach, Florida. Ashtabula Wind is a subsidiary of FPL Energy, LLC, also of Juno Beach, Florida and a national leader in the development of wind energy.
2. Ashtabula Wind's proposed 230 kV transmission line will be an alternating current transmission line originating at the collection substation within the Ashtabula Wind Energy Center, and terminating at the proposed Pillsbury 230 kV substation operated by Minnkota Power Cooperative, Inc.
3. From the Ashtabula Wind Energy Center collection substation located in Section 10 of Township 142, Range 57, the line will extend west approximately one quarter mile to 123<sup>rd</sup> Avenue before extending north approximately six miles to the intersection with 14<sup>th</sup> Street SE. The line will then extend east approximately three miles to interconnect at with a new Pillsbury substation and 230 kV Transmission line proposed by Minnkota Power Cooperative, Inc. in Case No. PU-08-48.
4. The estimated cost of materials and construction for the transmission line is approximately \$15 million.
5. Ashtabula Wind has obtained all easements necessary for construction of the transmission line and associated collection substation.
6. Construction and operation of the transmission line will conform to requirements of the National Electric Safety Code.
7. Single pole, steel or wood structures will be used for construction of the transmission line.

8. Ashtabula Wind has completed both a Class I record search, and a Class III pedestrian survey for archeological and cultural resources for a width of 200 feet along the proposed route, as well as for the operations and maintenance building and the collection substation sites. Neither the Class I nor Class III searches revealed any eligible sites along the proposed route.

9. No exclusion areas have been identified along the proposed route.

10. Avoidance areas along the proposed route include four occupied residences located within 500 feet of the proposed line. Ashtabula Wind has obtained written waivers from owners of these residences. Other avoidance areas along the proposed route include approximately 5.35 acres of CRP land, 2.09 acres of surface water, and 1.24 acres of U.S. Fish and Wildlife Service (USFWS) Wetlands. Although located along the proposed route, these USFWS jurisdictional wetlands will not be impacted. The Commission finds no reasonable alternative that would further avoid these avoidance areas.

11. With respect to selection criteria under N.D. Administrative Code section of the Commission, 5.94 acres of woodlands/wooded areas, and 7.17 acres of wetlands are located along the proposed route. No alterations will be made to existing wetland drainage patterns. Based on the limited impacts to US Army Corps of Engineers jurisdictional wetlands, the project activities will likely qualify for authorization by a Nationwide General Permit #12. Limited impacts to woodlands/wooded areas are expected.

12. Ashtabula Wind completed a fall 2007 avian survey and is in the process of completing a spring avian survey. Avian impacts are believed to be minimal. Ashtabula Wind will implement measures to avoid and minimize effects on wildlife by siting facilities away from wetlands and woodlands when possible. Bird safe designs pursuant to the Avian Power Line Interaction Committee recommendations will be used.

From the foregoing Findings of Fact, the Commission now makes its:

### **Conclusions of Law**

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.

2. The transmission line and associated collection substation proposed by Ashtabula Wind are transmission facilities as defined under North Dakota Century Code § 49-22-03(11).

3. The proposed project is of such design, location and purpose that it will produce minimal adverse effects, as defined under North Dakota Century Code § 49-22-05.2.

4. The application submitted by Ashtabula Wind, as amended, meets the corridor and route evaluation criteria required by North Dakota Century Code Chapter 49-22.

5. The location, construction, and operation of the proposed transmission line and collection substation will produce only minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

6. The proposed transmission line and collection substation are compatible with environmental preservation and the efficient use of resources.

7. The proposed transmission corridor and route will minimize adverse human and environmental impact, while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

8. The proposed transmission corridor and route will allow for the transmission of environmentally sustainable wind power.

9. The proposed transmission corridor and route is of such length, design, location and purpose that they will produce minimal adverse affects.

10. The requested waivers of procedures and time schedules are justified based upon: the relatively short length of the transmission line; minimal impacts on the environment and the welfare of the citizens of North Dakota; the lack of objection to the proposed corridor, route and collection substation by federal, state and local governmental bodies and agencies or by area landowners; and by Ashtabula Wind's objective to have the project in operation by December 31, 2008.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### **Order**

The Commission orders:

1. Ashtabula Wind's Revised Application for Waiver of Procedures and Time Schedules is granted.

2. Certificate of Corridor Compatibility for Transmission Facility Corridor No. 104 is issued to Ashtabula Wind.

3. Route Permit for construction of a Transmission Facility No. 114 is issued to Ashtabula Wind granting authority to construct the proposed transmission line and associated collection substation.

4. Ashtabula Wind shall construct a pre-construction conference prior to the commencement of any construction, which must include a company representative, construction supervisor, and a representative of the Commission staff to ensure that Ashtabula Wind fully understands the conditions set forth in this Order.

5. Ashtabula Wind shall comply with all the rules and regulations of all other agencies having jurisdiction over any phase of the proposed project. Prior to commencing construction of any phase of the proposed project, Ashtabula Wind shall obtain all other necessary approvals and permits for construction of such phase, and provide copies to the Commission prior to the construction of each such phase.

6. Ashtabula Wind shall inform the Commission of its intent to start construction on the transmission line and associated collection substation prior to the commencement of construction, and, once construction has started, Ashtabula Wind shall keep the Commission updated of construction activities on a weekly basis.

7. Ashtabula Wind shall construct and operate the transmission line and associated collection substation in the manner described in the revised application and at the hearing or in late filed exhibits, and in accordance with all applicable safety requirements.
8. Ashtabula Wind shall report to the Commission the presence in the permit area of any critical habitat of threatened or endangered species, or a bald or golden eagle that Ashtabula Wind becomes aware of and were not previously reported to the Commission.
9. If any cultural resource, paleontological resource, archeological site, historical resource, or grave site is discovered during construction of the facilities, earth disturbing activities in the immediate vicinity of the discovery must be halted. The resource must be marked, preserved, and protected from further disturbance until a professional examination can be made and consultation with the North Dakota State Historic Preservation Office (SHPO). A report of such examination must be filed with the Commission, and clearance to proceed must be given by the Commission.
10. All pre-existing roads and lanes used during construction must be restored to a condition that will accommodate their previous use, and areas used as temporary roads during construction must be restored to their original condition.
11. Construction must be suspended when weather conditions are such that construction activities will cause irreparable damage, unless adequate protection measures approved by the Commission are taken.
12. Reclamation along the right-of-way must be continuous and coordinated with construction.
13. Reclamation, fertilization and reseeding must be completed by Ashtabula Wind according to the Natural Resource Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
14. Ashtabula Wind's obligations for reclamation and maintenance of the right-of-way continue throughout the life of the transmission system.
15. Trees and other woody vegetation must be replaced at a rate of two for every one removed along the route. Landowners shall be given the option of having replacement trees/shrubs planted off the right-of-way on the landowners' property or waiving that requirement in writing, and allowing replacement plantings of trees/shrubs elsewhere. Ashtabula Wind shall inspect tree replacements once a year for three years and send a report on or shortly before October 1 of 2009, 2010, and 2011 to the Commission documenting work completion and condition of woodlands planting. The Commission may order additional plantings if survival rates are less than 75% of the required ratio of two for one.
16. Ashtabula Wind shall provide the Commission with copies of design specifications for construction of the transmission line and associated collection substation showing the location as built within three months of the completion of construction.

17. Ashtabula Wind shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the transmission system.

18. Ashtabula Wind shall obtain approval from the Commission or from Commission staff prior to any changes in structure locations.

19. The authorizations granted by the corridor certificate and route permit are subject to modification by order of the Commission if deemed necessary to further protect the public or the environment.

**PUBLIC SERVICE COMMISSION**

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**Tony Clark  
Commissioner**

**Susan E. Wefald  
President**

**Kevin Cramer  
Commissioner**

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**Certificate of Corridor Compatibility  
Number 104**

*This is to certify that the Commission has designated a transmission facility corridor for Ashtabula Wind, LLC to construct and operate approximately 9.5 miles of 230 kV transmission line and associated facilities in Barnes County, North Dakota.*

*This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of this Commission dated May 30, 2008 in Case No. PU-08-73 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, May 30, 2008.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

\_\_\_\_\_  
**Executive Director**

\_\_\_\_\_  
**Commissioner**

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Route Permit Number 114**

*This is to certify that the Commission has designated a transmission facility route for Ashtabula Wind, LLC to construct and operate approximately 9.5 miles of 230 kV transmission line and associated facilities in Barnes County, North Dakota.*

*This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of this Commission dated May 30, 2008 in Case No. PU-08-73 and is subject to the conditions and limitations noted in the Order.*

*Bismarck, North Dakota, May 30, 2008.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

\_\_\_\_\_  
**Executive Director**

\_\_\_\_\_  
**Commissioner**

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## **Appendix B**

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### **Landowner Tree Replacement Waiver Forms**

June 8, 2010

Perry Burchill  
12144 21<sup>st</sup> St SE  
Luverne, ND 58056

RE: Ashtabula I and II Wind Farm Tree & Shrub Replacement

Dear Mr. Burchill:

During the construction of the Ashtabula I and II Wind Project by NextEra Energy, trees and shrubs were removed from your land. NextEra Energy has a responsibility to replace any destroyed trees or shrubs at a ratio of two trees/shrubs for every one removed, if that is the landowner's preference. NextEra recorded that you lost eight cottonwood trees from your land. NextEra would replace these trees with 16 trees of your choosing.

On May 10, 2010, you were contacted by Ms. Sara Simmers of Western Plains Consulting, Inc. on behalf of NextEra Energy, regarding whether you preferred trees/shrubs be replanted on your land.

You stated that you would prefer not to replace the trees/shrubs that were removed during construction on your property, and that you would prefer the trees go towards the tree planting for Casey Burchill. Please sign below to acknowledge this and return this acknowledgement in the self-addressed stamped envelope at your earliest convenience. A second copy of this letter is included for you to sign and keep for your records.

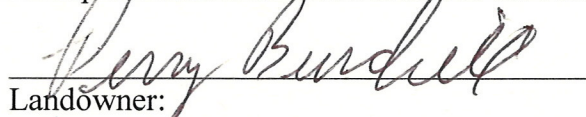
Please contact me at any time with further questions at 701-221-3113 or by email at [ssimmers@wpcnd.com](mailto:ssimmers@wpcnd.com).

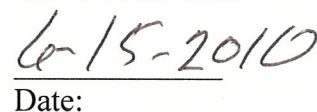
Sincerely,

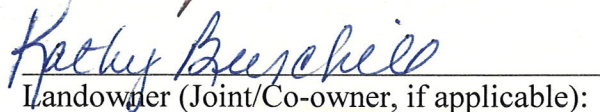


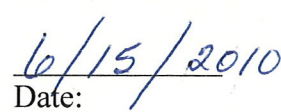
Sara Simmers,  
Natural Resource Specialist

I acknowledge that I/we am declining trees/shrubs to be planted on our property for replacement after construction of the Ashtabula I and II wind farm.

  
Landowner:

  
Date:

  
Landowner (Joint/Co-owner, if applicable):

  
Date:



[www.wpcnd.com](http://www.wpcnd.com)  
PO Box 1401  
Bismarck, ND 58502-1401  
701-221-3113  
Toll Free 888-821-3113  
Fax 701-221-2140

May 21, 2010

Ken DeKrey  
1312 6<sup>th</sup> Ave NE  
Valley City, ND 58072

RE: Ashtabula I and II Wind Farm Tree & Shrub Replacement

Dear Mr. DeKrey:

During the construction of the Ashtabula I and II Wind Project by NextEra Energy, trees and shrubs were removed from land that you manage for Elizabeth and Richard Anderson. NextEra Energy has a responsibility to replace any destroyed trees or shrubs at a ratio of two trees/shrubs for every one removed, if that is the landowner's preference.

NextEra recorded that the Anderson's lost nine cottonwood trees from their land. NextEra would replace these trees with eighteen trees of your choosing.

On May 14, 2010, you were contacted by Ms. Sara Simmers of Western Plains Consulting, Inc. on behalf of NextEra Energy, regarding whether you preferred trees/shrubs be replanted on the Anderson land. You stated on May 21, 2010 that you would prefer not to replace the trees/shrubs that were removed during construction. Please sign below to acknowledge this and return this form in the self-addressed stamped envelope. A second copy of this letter is included for you to sign and keep for your records.

Please contact me at any time with further questions at 701-221-3113 or by email at [ssimmers@wpcnd.com](mailto:ssimmers@wpcnd.com).

Sincerely,



Sara Simmers,  
Natural Resource Specialist

I acknowledge that I/we am declining trees/shrubs to be planted on the Anderson property, of which I am the land manager, for replacement after construction of the Ashtabula I and II wind farm.

Elizabeth J Anderson  
By Kenneth W. DeKrey  
Landowner: Farm Mgr

May 30, 2010  
Date:

Richard M. Anderson  
Landowner (Joint/Co-owner, if applicable):  
By Kenneth W. DeKrey  
Farm Mgr.

May 30, 2010  
Date:



[www.wpcnd.com](http://www.wpcnd.com)  
PO Box 1401  
Bismarck, ND 58502-1401  
701-221-3113  
Toll Free 888-821-3113  
Fax 701-221-2140

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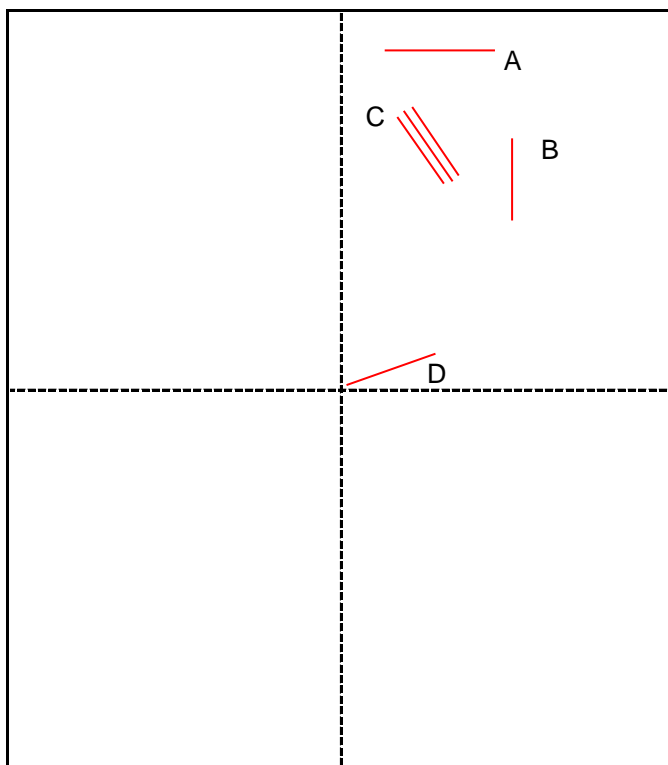
## **Appendix C**

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### **Planting Plans**

## TREE AND SHRUB PLANTING PLAN AND RECORD

Name Mark Askerooth Address 12250 20th St SE Luverne Phone 840-9071  
845-3359



Quarter 9 Sec 142 Twp 57 Range

Planned by: LF Planted by: GT  
 Date: 08/14/09 Date: 05/17/10

F/Stead \_\_\_\_\_; Field \_\_\_\_\_; W/Life x  
 S/Fallow \_\_\_\_\_; if other, specify type of  
 land preparation \_\_\_\_\_

New Planting x; Replants \_\_\_\_\_  
 (Indicate date of original planting) \_\_\_\_\_

CRP \_\_\_\_\_; EQIP \_\_\_\_\_; CTA \_\_\_\_\_  
 Other (Indicate) \_\_\_\_\_ Minnesota

Between the row spacing 14'  
 Soil Type 14C,16C,17B Suit. Group 3  
 Protected from Grazing yes (Yes, No)  
 Distance from Road and/or Bldgs. okay

(Recommended Minimum: 120 ft. on north & west, & 100 ft. on south & east to nearest row).

Condition of site at Planting Time: Good  
 (Good, Fair, Poor)

Approved Yes (Yes, No) Date 06/09/10  
 By: s/ Lori Frank Title SCD Tech

w/b 6/7/10

Field No.	Planting Length	Planted Length	Planted Width (Inc. 10' on ea. side of planting)	Acres	Row #	Row # 1 is on North or West Side of Planting	Spacing in row	Number Planted (Estimated)	Number Planted (Actual)	Spraying and/or Cultivating Plan and Record. (State how weed control to be accomplished: -- type of spray & rate and/or type of cult. Equip. -- indicating when action to take place.)
						Species of Tree or Shrub				
A	500	500	20	0.22	1	Juniper	6	83	83	w/WB
B	500	500	20	0.22	1	Juniper	6	83	83	w/WB
C	500	500	48	0.55	1	Buffaloberry	4	125	125	w/WB
	500	500			2	Juneberry, Plum	4	63/63	126	w/WB
	500	500			3	Chokecherry/Blk ChokeBERR	4	63/63	126	w/WB
D	500	500	20	0.22	1	Juniper	6	83	83	w/WB
	3000	3000		1.21					626	







