

# ASHTABULA WIND, LLC

March 13, 2014

Mr. Jerry Lein  
Public Utility Analyst  
North Dakota Public Service Commission  
600 East Boulevard, Dept 408  
Bismarck, ND 58505-0408

*UPS Overnight Mail*

RE: Ashtabula Wind, LLC  
Post Construction Inspection, Case Nos. PU-08-032 and PU-08-073

Dear Mr. Lein:

Below please find Ashtabula Wind, LLC's ("the Company") response to your letter of February 11, 2014. The following list provides responses to your inquiries and references to requested documentation. These documents can be found on the enclosed CD. For activities that are not complete, we are still awaiting confirmation, conducting further research, and/or gathering the appropriate paperwork. An update on the status of these items will be provided to the Commission within 30 days.

## **PU-08-032**

- No examples of educational materials for landowners or the public were noted. (Order Point 22)
  - If requested by landowners within the site boundaries, Ashtabula Wind will provide the educational materials found on the enclosed CD. See files "NatLeaderWind," "health\_impact\_factsheet," and "Ashtabula Fact Sheet."
- No procedure on handling complaints and how to mitigate landowner/resident concerns were noted. (Order Point 25)
  - Please see "Ashtabula Complaint Procedures.pdf" on enclosed CD
- Noxious weed and vegetation control. Wormwood present. (Order Points 13 and 21)
  - The site manager confirms that weed control measures are performed in June of every year, and particular actions will be taken to address wormwood in this year's treatment.
- Clarification of reseeding seed mix. Looks like non-native species were used rather than native species as proposed. (Order Points 13 and 21)
  - Assessment underway but not yet complete.
- The following wildlife protection measures should be implemented or explained why they should not be implemented: 1) bird diverters on the transmission line, 2) description or justification of construction timing overlap with spring nesting season, and 3) bird deterrents on MET towers. (Order Points 4 and 9)

- Assessment underway for items #1 and 3. In regards to item #2, construction began in June 2008 and the project achieved COD in December 2008, therefore construction did not overlap with spring nesting season.
- Reclamation of the staging/laydown area. (Order Points 13 and 21)
  - The site manager confirms that the Company has completed the Reclamation process and is in the process of closing the SWPPP Permit.
- Compliance with National Electric Safety Code. (Order Point 8)
  - Assessment underway, the Company will discuss its response with Staff.
- Ashtabula is required to submit a 10 year plan to the Commission annually under current laws and beginning every other year in 2014. No 2012 or 2013 Ten year plan is on file. (NDCC 49-22-04)
  - Please see “Ashtabula 10 Year Plan.pdf” on the enclosed CD for the 2014 filing.
- Provide documentation of any permits not previously provided, including second determination from the FAA, NDPES Permit, NDH Septic Tank and Drainfield Permit, ND Highway Patrol Overheight/Overweight Permit, ND Department of Transportation Road Approach/Access Permit, the NDDOT Utility Permit, Haul Road Agreement and Utility Permit from the County (Order Point 4)
  - FAA – 5 files titled “Ashtabula FAA Determinations...”
  - NDPES Permit – Research ongoing
  - NDH Septic Tank and Drainfield Permit – File “Ashtabula – O&M Septic Permit”
  - ND Highway Patrol Overheight/Overweight Permit – File “Ashtabula – Barnes County 30 Day Overweight Permits”
  - ND Department of Transportation Road Approach/Access Permit – File “Ashtabula – Barnes County Approach Permits”
  - NDDOT Utility Permit – Research ongoing
  - Haul Road Agreement – File “Ashtabula – Barnes County Haul Road Agreement”
  - Utility Permit – File “Ashtabula – Barnes County Utility Permit”
- Provide documentation of the pre –construction conference and notice of intent to start construction. (Order Points and 6)
  - Research ongoing
- Provide documentation of SHPO concurrence. (Order Points 4 and 10)
  - Research ongoing
- Documentation of preconstruction avian survey. (Order Point 9)
  - Please see “Ashtabula I Avian Report 02-08-08 Final” on the enclosed CD.
- The 2013 tree and shrub survival report was supposed to confirm that tree and shrub survival report is to be provided in fall 2014. In 2014, the report should include confirmation that there is satisfactory re-vegetation in the substation ditch. (Order Points 16 and 21)
  - The Company plans to complete this report by Fall 2014. The report will address satisfactory re-vegetation in the substation ditch.
- Provision of as-built drawings. (Order Point 31)

- As-Built drawings of the Array and Collection System are provided on the enclosed CD:
  - “Ashtabula Overall Site Plan Rev 06-17-08”
  - “Ashtabula Overall Site Plan Without Aerial Rev 06-09-08”
  - “Ashtabula Collection System”
- Verification of setbacks for an occupied structure in the NE ¼ of the SE ¼ of Section 28, T143N, R57W, about 1300ft west of Turbine 14 and an occupied structure in the SW ¼ of the SE ¼ of Section 9, T12N, R57W, about 1200ft southeast from Turbine 76 and about 1160ft southeast from Turbine 75. There is no evidence of agreements with the landowners filed. (Order Point 4)
  - Research ongoing
- No documentation as to whether new discoveries of cultural, archeological, or historic sites were or were not found during construction (Order Point 10)
  - Please refer to the North Dakota Public Service Commission website under Case PU-09-032, Docket Item #25, “LF #T5 Ashtabula Wind Cultural Report.” The report states that five cultural resources were discovered, and project component locations were adjusted accordingly
- No documentation as to whether or not threatened or endangered species or bald or golden eagles were observed within the Project area during construction or operation to date. (Order Points 9 and 24)
  - The final Avian report, which is included on the enclosed CD as “Ashtabula I Avian Report 02-08-08 Final,” conducted prior to construction states that “No federally listed threatened or endangered species were observed during fall avian surveys.” Bald and golden eagles are noted as federally listed threatened species. During operation, the Company follows the site Wildlife Response and Reporting System Manual, which mandates that any and all avian injuries or fatalities observed within the site boundaries be reported. To date there have been no such incidents involving threatened, endangered species, or bald or golden eagles. The Company will discuss any further requirements with Staff.
- Ensure the following erosion control and maintenance activities are undertaken and monitored: 1) minor erosional channels on the edges of the access roads or minor ruts on roads, particularly on hills, 2) erosion on gravel pads surrounding some turbine bases, and 3) damage of gravel pads from agricultural equipment. (Order Points 14 and 21)
  - The site manager confirms that Road Grading is performed twice each year, and all of the above activities are addressed during this time.

**PU-08-073**

- Reports of, or lack thereof, of threatened, endangered species or bald or golden eagles during construction. (Order Point 8)
  - The final Avian report, which is included on the enclosed CD as “Ashtabula I Avian Report 02-08-08 Final,” conducted prior to construction states that “No federally listed threatened or endangered species were observed during fall avian surveys.” Bald and golden eagles are noted as federally listed threatened species. During operation, the Company follows the site

Wildlife Response and Reporting System Manual, which mandates that any and all avian injuries or fatalities observed within the site boundaries be reported. To date there have been no such incidents involving threatened, endangered species, or bald or golden eagles. The Company will discuss any further requirements with Staff.

- Reports of, or lack thereof, of cultural, archeological, historical resources found during construction (Order Point 9)
  - Please refer to the North Dakota Public Service Commission website under Case PU-09-032, Docket Item #25, “LF #T5 Ashtabula Wind Cultural Report.” The survey included all project and transmission facilities.
- Provide as-built drawings. (Order Point 16)
  - As-Built drawings of the Array and Collection System are provided on the attached CD in the following documents:
    - “Ashtabula Overall Site Plan Rev 06-17-08”
    - “Ashtabula Overall Site Plan Without Aerial Rev 06-09-08”
    - “Ashtabula Collection System”
- 2013 and 2014 tree and shrub survival reports. (Order Point 15)
  - Please refer to Case PU-08-032, Docket Item #323. Case PU-08-073 was mistakenly left off of the cover page, and thus was not filed under this case number as well.
- Copies of Permits, including ND Highway Patrol Overheight/Overweight Permit, ND Department of Transportation Utility Permit/Risk Management Documents, Barnes County Conditional Use Permit, Haul Road Agreement and Utility Permit. (Order Point 5)
  - Please see the permits mentioned above under Case PU-08-032. As noted above, all permits have been located with the exception of the NDDOT Utility Permit
- Copies of waivers from occupied dwellings within 500 feet. (Order Point 5)
  - Please refer to the North Dakota Public Service Commission website under case PU-08-032, Docket Item #25, “LF #T3 Ashtabula Farmsteads within 500 ft. and Waivers”
- Compliance with National Electric Safety Code. (Order Point 7)
  - Assessment underway, the Company will discuss its response with Staff.
- Summary or example of Wildlife Response Reporting System reports. (Order Point 8)
  - Please see “Ashtabula Avian Fatality Report 10-28-13” on the CD for an example report
- Confirmation that no TV or radio interference occurred. (Order Point 17)
  - Research ongoing
- Provide documentation of the pre-construction conference and notice of intent to start construction. (Order Points 4 and 6)
  - Research ongoing

Thank you for your attention to this matter. Please feel free to contact me at (561) 304-5699 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Kujawa', written in a cursive style.

Rebecca Kujawa  
Vice President  
Business Management – Midwest Region

Enclosures