

Casey A. Furey
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
cfurey@crowleyfleck.com

January 17, 2017

Via US Mail

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480



In re: Ashtabula Wind I, LLC
PSC Case No. PU-08-32
Our File No. 035218-000002

Baldwin Wind, LLC
PSC Case No. PU-09-668
Our File No. 035218-000011

FPL Energy Oliver Wind, LLC
PSC Case No. PU-06-312
Our File No. 035218-004

Dear Mr. Nitschke:

Enclosed for filing in the above referenced cases are an original and fives copies of a letter regarding post construction inspection and tree and shrub mitigation issues.

Please call should you have any questions.

Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in blue ink, appearing to read "Casey A. Furey".

Casey A. Furey

CAF:rw

Enc.

cc: Jerry Lein (via email)

FPL Energy Oliver Wind, LLC
Baldwin Wind, LLC
Ashtabula Wind I, LLC

January 13, 2017

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

RE: Post Construction Inspection & Tree & Shrub Mitigation Issues, Case Nos. PU-06-312,
PU-08-032, and PU-09-668

Dear Mr. Lein:

Please find our responses below for FPL Energy Oliver Wind, LLC ("Oliver Wind"), Baldwin Wind, LLC ("Baldwin Wind") and Ashtabula Wind I, LLC ("Ashtabula I") to your letter dated October 27, 2015, regarding outstanding issues identified during the post-construction project inspections. We provided initial responses to your letter November 20, 2015, while indicating a few items that remained to be addressed. The following list provides final responses to those items.

Oliver Wind: PU-06-312

- **Request:** The Commission requests a 2015 survival report to ensure that at least 155 trees have survived three years from the last planting.
 - **Response:** Oliver Wind engaged a consultant to complete a survival count in November 2015 and a report was filed December 2015. As explained in the memo filed April 13, 2016, Oliver Wind has made good faith efforts to grow replacement trees and shrubs. Subsequently, a motion filed and approved on April 20, 2016 found tree and shrub mitigation efforts should cease for the project. Therefore, we consider this issue complete for Oliver Wind.

Ashtabula I: PU-08-032

- **Request:** Clarification of reseeding seed mix. Looks like non-native species were used rather than native species as proposed. (Order Points 13 and 21) Please provide updated information as to the types of plants that are growing currently and what reseeding options if any, may be needed.
 - **Response:** Paragraph 13 of the Order requires that "[r]eclamation, fertilization, and reseeding will be completed by Ashtabula Wind according to the Natural Resource Conservation Service ["NRCS"] recommendations, unless otherwise specified by the landowner and approved by the Commission." NextEra Energy uses NRCS recommended seed mixes during post-construction project restoration as a general policy.

- **Request:** The Commission requests a 2015 and 2016 survival report to ensure that 444 trees are surviving after three years of monitoring from each planting.
 - **Response:** Ashtabula I engaged a consultant to complete a survival count in November 2015 and a report was filed December 2015. As explained in the memo filed April 13, 2016, Ashtabula Wind has made good faith efforts to grow replacement trees and shrubs. Subsequently, a motion filed and approved on April 20, 2016 found tree and shrub mitigation efforts should cease for the project. Therefore, Ashtabula Wind considers this issue complete.

Baldwin Wind: PU-09-668

- **Request:** The Commission requests additional reports in 2015 through 2017 to ensure that 309 trees are surviving after three years of monitoring of each planting.
 - **Response:** Baldwin Wind engaged a consultant to complete a survival count in November 2015 and a report was filed December 2015. As explained in the memo filed April 13, 2016, Baldwin Wind has made good faith efforts to grow replacement trees and shrubs and in December 2015 the tree and shrub survival rate was 81 percent. Subsequently, a motion filed and approved April 20, 2016 found tree and shrub mitigation efforts should cease for the project. Therefore, Baldwin Wind considers this issue complete.

Thank you for your attention to this matter. Please feel free to contact me at (561) 304-5641 should you have any questions.

Sincerely,



Brian Duncan
Sr. Director, North