

**Application to the North Dakota PSC for
A Waiver or Reduction of Certain Procedures and Time Schedules
and
Consolidated Applications for
A Certificate of Corridor Compatibility and Route Permit for
Siting of a 230 kV Transmission Facility for
The Ashtabula Wind Energy Center**



Prepared for:
Ashtabula Wind, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

Prepared by:
Tetra Tech EC, Inc.
133 Federal Street
Boston, MA 02110



TETRA TECH EC, INC.



ASHTABULA WIND ENERGY CENTER

Case No.: PU-08-73

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March 2008

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**Request for a Waiver or Reduction of
Certain Procedures and Time Schedules – *Revision 1***

Application for a Certificate of Corridor Compatibility – *Revision 1*

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-08-73

In the matter of the Application of Ashtabula Wind, LLC for a Corridor Certificate and Route Permit to Construct 9.3 Miles of 230 KV Overhead Electric Transmission Line in Barnes County, North Dakota

**REVISED APPLICATION OF ASHTABULA WIND, LLC
FOR CORRIDOR CERTIFICATE AND ROUTE PERMIT
FOR 9.3 MILES OF 230 KV OVERHEAD
ELECTRIC TRANSMISSION LINE,
AND FOR A WAIVER OR REDUCTION OF CERTAIN
PROCEDURES AND TIME SCHEDULES**

Ashtabula Wind, LLC ("Ashtabula Wind"), whose address for purposes of this Application is 700 Universe Boulevard, Juno Beach, FL 33408-2683, pursuant to the Energy Conversion and Transmission Facility Siting Act codified at North Dakota Century Code Chapter 49-22 ("Act"), hereby submits this Revised Application for a Corridor Certificate and Route Permit, and a Waiver or Reduction of Certain Procedures and Time Schedules ("Revised Application").

Ashtabula Wind previously filed an Application for a Corridor Certificate and Route Permit, and a Waiver or Reduction of Certain Procedures and Time Schedules dated March 12, 2008, with the North Dakota Public Service Commission ("Commission") on March 24, 2008, ("Original Application"). Ashtabula Wind hereby files this Revised Application for the purposes

of supplementing the Original Application and submitting additional information to the Commission in its completeness review.

In Case No. PU-08-32, Ashtabula Wind has a separate corresponding Application for a Certificate of Site Compatibility for a 200 MW wind farm also located in Barnes County, North Dakota.

Ashtabula Wind requests that the Commission waive and/or reduce procedures and time schedules required in the Act and in the Commission's regulations set forth in Title 69-06 of the North Dakota Administrative Code to accomplish the purposes requested herein. These include, but are not limited to: (1) waive, pursuant to North Dakota Century Code §§ 49-22-07.2, 49-22-13(2), and North Dakota Administrative Code § 69-06-01-02(3) and Chapter 69-06-06, provisions of North Dakota Century Code §§ 49-22-08(5), 49-22-08.1(5), 49-22-13 and North Dakota Administrative Code § 69-06-01-02 which require for corridor certificate and route permits separate filings of applications, separate notices of applications, separate hearings on each application, and certain time schedules as set forth in said statutes and rules; (2) hold one consolidated hearing for the requested corridor certificate and route permit to be held in conjunction with the hearing for the certificate of site compatibility requested in Case No. PU-08-32; (3) find that the proposed facilities are of such design, location and purpose that they will produce minimal adverse affects; and (4) designate and approve the requested facilities as identified in the Original Application and this Revised Application and in the Application of Case No. PU-08-32, and issue the appropriate corridor certificate, route permit and certificate of site compatibility.

The Commission's application guidelines for waiver of procedures and time schedules require the description of the facility, the need for the facility, the cost of the facility and separate justification for each provision of the Act which the applicant is requesting a waiver, together with evidence that the proposed project will produce minimal adverse effects. As demonstrated in the Original Application and this Revised Application and in the Application for the certificate of site compatibility for the wind farm, Ashtabula Wind's request for waivers or reductions of procedures and time schedules and the issuance of the corridor certificate, route permit and certificate of site compatibility are justified as the proposed facilities are of such design, location and purpose that they will produce minimal adverse effects.

DESCRIPTION

Ashtabula Wind proposes to construct a wind farm consisting of up to 133 1.5 MW wind turbines with associated access roads, electrical lines, electrical substation, wind monitoring stations, and an operation and maintenance facility; along with 9.3 miles of 230 KV overhead electrical transmission line. There are no current plans for future expansions of the proposed facility.

NEED

North Dakota offers tremendous renewable energy potential to the state and regional power system. Renewable energy has numerous benefits to the citizens of the region, including minimizing the emissions from conventional power plants. Wind energy also benefits local economies during construction and operation of the wind energy center. Energy generated at the wind energy facility and transmitted to the regional electric system will be supplied to regional power customers. In addition, the wind farm and associated transmission line must be

operational by December 31, 2008, in order for the project to qualify for federal energy tax credits.

COST

The estimated cost of construction of the wind farm is approximately \$335,000,000.00; and the estimated cost of construction of the transmission line is approximately \$15,000,000.00; for a total cost of construction of approximately \$350,000,000.00.

JUSTIFICATION

The proposed project would contribute an additional 200 MW of renewable wind energy. As demonstrated in the Original Application and in this Revised Application, there will be minimal adverse effects by such construction.

For the foregoing reasons, Ashtabula Wind submits there is substantial justification for the requested waivers and/or reduction of procedures and time schedules as requested, as this proposed wind farm will produce minimal adverse effects.

Ashtabula Wind respectfully requests the Commission to grant the aforementioned waivers and/or reduction of procedures and time schedules, and to render expeditious decisions approving the requested facilities and issuing a corridor certificate and route permit for the transmission line, and a certificate of site compatibility for the wind farm.

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I. INTRODUCTION

Ashtabula Wind LLC (Ashtabula Wind) is submitting this application for a Certificate of Corridor Compatibility for a Corridor right-of-way (ROW) up to one mile in width along 123rd Avenue north of Valley City in Barnes County, North Dakota (Figure 1). A proposed 230,000 volt (230 kilovolt (kV)), alternating current, transmission line originating at Barnes Substation within Ashtabula Wind Energy Center and terminating at the proposed Pillsbury 230 kV Substation in Section 13, Township 143 North, Range 57 West, will be located within the Corridor. Ashtabula Wind is also submitting applications for a Certificate of Site Compatibility and a Route Permit for the wind farm and transmission line, respectively. Although these documents are separate from this application, they should be reviewed in conjunction with this application.

II. ANALYSIS ACCORDING TO PSC GUIDELINES

This application follows the format set forth in the North Dakota Public Service Commission Application Guidelines For A Certificate of Corridor Compatibility (“PSC Guidelines”), promulgated pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act, N.D.C.C. Chapter 49-22.

SECTION A. DESCRIPTION OF FACILITY

1. Type

Describe the type of transmission facility addressed in this application. The description shall include the purpose of the facility and the technology to be employed.

The proposed single circuit 230 kV transmission line will tie the Ashtabula Wind Farm’s 230 kV Barnes Substation to the proposed Pillsbury 230 kV Substation. The transmission line will utilize 1272 kcmil ACSR conductor and an optical shield wire for lightning and relay protection (OPGW). This 230 kV line is being designed to meet all National Electrical Safety Code (NESC) requirements. The conductor and OPGW will be supported on steel poles with a triangular phase configuration. The structures will range in height from 90 to 120 feet above grade. For heavy angle structures, some guying may be required. The typical span between poles will be approximately 680 feet.

The project substation provides a location for electricity generated by the wind farm to be stepped up from 34.5 kV to 230 kV, at which point it is transferred along the transmission line.

2. Product

Describe the type, source, and final destination of the product to be transmitted by the proposed facility.

The proposed facility is intended to carry 230 kV, three-phase, alternating current, electrical energy. The transmission line will have an expected operating level of 120,000 kV-amperes (kVA).

The proposed radial electric transmission line would extend from the Barnes Substation to the proposed Pillsbury 230 kV Substation. The proposed radial electric transmission line will allow

the Ashtabula Wind Energy Center to contribute approximately 200 megawatts (MW) of renewable energy to the power grid.

3. Size and Design

Provide a description of the size and design of the electrical facility including, but not limited to, the following:

a. Width of right-of-way

The Corridor will be one mile in width and will encompass the transmission line right-of-way [up to 120 feet wide (50 to 60 feet wide on either side of the center line)] will be acquired throughout the nine and one-half mile length of the proposed Corridor.

b. Estimated span lengths

The span between structures will range from approximately 600 to 700 feet, depending on which structure is used. Pole locations will be provided prior to construction. Single shaft structures will be used. Conductor ground clearance will vary depending on terrain. A minimum ground clearance of 24 feet, at a conductor temperature of 212 degrees Fahrenheit, will be maintained. At lower conductor temperatures and under ice load, ground clearance will be greater.

c. Anticipated Types of Structures

A single circuit 230kV transmission line will tie the Ashtabula Wind Farm's 230kV Barnes Substation to the proposed Pillsbury 230kV Substation. The line will be built in private easements with a typical easement width of 50 ft. The proposed transmission line will be named the Barnes 230 kV transmission line. The transmission line will utilize 1272 kcmil ACSR conductor and an optical shield wire for lightning and relay protection (OPGW). This 230 kV line is being designed to meet all National Electrical Safety Code (NESC) requirements. The conductor and OPGW will be supported on steel poles with a triangular phase configuration. The structures will range in height from 90 to 120 feet above grade. For heavy angle structures, some guying may be required. The typical span between poles will be approximately 680 feet. The proposed radial electric transmission line will allow the Ashtabula Wind Energy Center to contribute approximately 200 megawatts (MW) of renewable energy to the power grid.

d. Approximate length of the facility

The proposed transmission will be up to nine and one-half miles in length and the majority of the transmission line will run adjacent to 123rd Avenue north of Valley City.

e. Voltage

The proposed facility is intended to carry 230 kV, three-phase, alternating current electrical energy.

f. The Requirement for and General Location of any new associated facilities.

The proposed facility is a 230 kV transmission line that will extend approximately nine and one-half miles from a project substation located in Section 10, Township 142 North, Range 57 West to the proposed substation, located in Section 13, Township 143 North, Range 57 West. The proposed radial electric transmission line and substation facilities are needed in order to convert 34.5 kV of energy produced by the wind farm to 230 kV.

4. Time Schedule

The following time schedule is proposed.

**Table 1
Schedule of Major Events**

Event	Proposed Date
Certificate of Corridor Compatibility Application Filed	March 2008
Route Permit Application Filed	March 2008
Corridor Certificate and Route Permit issued by PSC	May 2008
Begin Easement Acquisition	April 2008
Stake Structures	May 2008
Complete Line Design	Completed
Clear Vegetation	June 2008
Construction Start Date	June 2008
Complete Easement Acquisition	July 2008
Complete Vegetation Clearing*	July 2008
Complete Construction	October 2008
In-Service Date	November 2008
Retirement of Facility	Unknown

*This activity may be completed as necessary in conjunction with construction activities.

SECTION B. SPECIAL STUDIES

Provide a copy of any evaluative studies or assessments of the environmental impact of the proposed facility submitted to any federal, regional, state, or local agency.

Final design of the transmission facility and designation of the Corridor are dependant upon several factors, including landowner input, on-site pre-construction surveys, and agency consultation. Ashtabula Wind identified the preliminary location of the transmission line and Corridor based on several desktop analyses, site visits, and agency consultation. Studies that have been completed include: 1) selection and general evaluation of the study area, 2) a Class I Cultural Resources Inventory, 3) a fall avian survey, 4) agency consultations, and 5) collection and evaluation of criteria data. Ashtabula Wind is also planning to conduct some additional studies as described in the table below. Refer to Appendix E for the protocols.

**Table 2
Schedule of Special Studies**

Study/Survey	Proposed Schedule
Selection and general evaluation of the study area	Complete
Class I Cultural Resources Inventory	Complete
Fall Avian Survey	Complete
Agency Consultations	Complete
Collection and evaluation of criteria data	Complete
Spring Avian Survey*	Ongoing
Raptor Nest Survey*	Ongoing
Class II/III Cultural Assessment*	Early April 2008
Wetlands Delineation*	Early April 2008
Wildlife Reporting and Response System – Post-construction monitoring*	TBD (Post-construction)

* Refer to Appendix E for protocols

1. Selection and Evaluation of Study Area

Ashtabula Wind selected a study area which follows the proposed route, approximately nine and one-half miles in length.

In their evaluation of the study area, Ashtabula Wind considered, among other things: topography, location of existing transmission facilities (lines and substations), location of communities and airfields, location of water resources, land ownership, and economics. Further evaluation of the factors addressed in N.D.C.C. §49-22-09 are presented in Section D.1 below and in the Route Permit Application.

2. Historic and Archaeological Site Evaluation

A Class I Cultural Resources Inventory (file search/literature review) was conducted by Beaver Creek Archaeology, Inc. (BCA) on September 6, 2007, at the State Historical Society of North Dakota (Appendix C). Based on the results of the file search, one architectural site (a cemetery) lead was found in Section 9, Township 142 North, Range 57 West (Figure 2). This architectural site lead is located outside of the Corridor. Once weather permits, BCA will perform a Class II/III pedestrian survey to identify cultural resources along a 200-foot corridor along the transmission line route. BCA will adhere to the guidelines outlined in North Dakota SHPO Manual for Cultural Resource Inventory Projects Revised Edition (SHSND 2004). Results will be used to microsite the transmission line route. Refer to the protocol in Appendix E.

Although there are no reservations or Bureau of Indian Affairs trust lands in Barnes County, the following Tribal Historic Preservation Officers (THPO) or Tribal Cultural Preservation Officers (TCPO) may need to be contacted if archaeological resources or other properties of Tribal interest are identified prior to or during construction:

Tim Mentz, THPO	Elgin Crows Breast, TCPO	Ambrose Littleghost, THPO
Standing Rock Sioux Tribe	Three Affiliated Tribe – Spirit Lake Tribe	Mandan – Hidatsa & Arikara Nation
Phone: 701.854.2120	Phone: 701.996.4477	Phone: 701.627.4781

3. Fall Avian Survey

Many species of waterfowl, raptors, shorebirds, and grassland birds are known to migrate through the vicinity of the project area, as North Dakota lies within the Central Flyway. Some of the species observed during a fall 2007 site visit include Canada geese, red-winged blackbirds, tree swallows, double-crested cormorants, barn swallows, and rock pigeons. The likelihood of bird/transmission line interactions is determined by a number of factors including visibility and weather. Inclement weather and low cloud ceilings force migrating birds to fly at lower altitudes, thereby putting them at greater risk for adverse interactions with transmission lines (NWCC, 2004).

Based on the number and diversity of wetlands present, the Corridor could serve as a breeding habitat for large numbers of waterfowl or shorebirds. In addition, hay and grain crops are often utilized by migrating waterfowl and upland bird species as food resources (Cleary, 1994). The plentiful wetland habitat and agricultural fields within the Corridor are an attractant to waterfowl and other migrating birds and may increase the potential for collision with transmission lines.

Construction activities can destroy or disrupt wildlife habitat and allow for the introduction of unwanted plant species. Installation of the transmission lines would result in a temporary loss of wildlife habitat. Displaced wildlife would likely relocate to nearby unaffected areas within the Corridor or vicinity until construction activities have been completed. In areas where disturbance is significant and natural regeneration of onsite plant propagules would not occur, the temporary loss of habitat may be mitigated by reseeded of the affected areas with native prairie plant species.

The impact of the project on wildlife is thought to be minimal (TtEC 2007). Ashtabula Wind will implement measures to avoid and minimize effects to wildlife at the proposed site by siting facilities away from wetlands and woodlands and burying overhead power lines, to the extent possible.

4. Agency Consultation

North Dakota Administrative Code §69-06-01-05 lists 21 state agencies that are entitled to notice of Ashtabula Wind's proposed action. Letters dated January 21, 2008 were sent to the required agencies (Appendix D). Summaries of response letters received are presented below.

North Dakota Game and Fish Department

The NDGFD manages the Valley City Wildlife Management Area located approximately two miles southeast of the Project Area boundary. The NDGFD had no data available regarding threatened or endangered species and sensitive habitats in the Project Area (Appendix C). The NDGFD stated that numerous wetlands within the Project Area warranted steps to protect any wetlands that cannot be avoided, aboveground appurtenances should not be placed in wetland areas, and no alterations be made to existing drainage patterns. The response letter received from the NDGFD is included in Appendix C.

U.S. Fish and Wildlife Service

The USFWS provided a list of threatened and endangered species potentially present within the Project Area. The list included the endangered whooping crane which is described in a previous section of this application. Other concerns of the USFWS focus on migratory birds, wetlands, native grasslands, woodland resources, and threatened and endangered species. Waterfowl Production Areas (WPAs) and wetland easements are recorded within the Corridor. The USFWS stated that a service permit and an environmental assessment could be required if wetlands within wetland easements or WPAs are affected outside the existing ROW as a result of construction activities, stockpiling of material, or acquiring of borrow material. Representatives of Ashtabula Wind met with the USFWS in January 2008 to discuss the Ashtabula project. Results of the Fall Avian Survey as well as details of the wetland easements were discussed. USFWS stated that select wetlands within a wetland easement cannot be impacted until a USFWS permit (direct impacts) or a Letter of Authorization (boring) is obtained. Ashtabula Wind stated that they would keep USFWS involved in the planning process. In March 2008, Ed Meendering, District Manager at the USFWS Valley City Wetland Management District, met with members of the Ashtabula team onsite to review the project layout. Ashtabula Wind will continue to work with the USFWS throughout the planning process.

In relation to migratory birds, no collisions or electrocutions with overhead power lines are anticipated because most of the Project power collector system will be placed underground and any aboveground collector structures and lines will be constructed using "bird-safe designs" per the Avian Power Line Interaction Committee (APLIC) recommendations. Ashtabula Wind will conduct a pre-construction spring point count survey per the protocol presented in Appendix E.

North Dakota SHPO

The SHPO recommended that a Class I cultural resources inventory be completed for areas that may be impacted by the Project. Based on results of the cultural resources inventory, one previous cultural investigation has been performed west of the proposed Corridor and one architectural site lead, consisting of a cemetery, was previously identified west of the proposed Corridor (Figure 2). The rolling prairie landscape with hills, knolls, and bluffs combined with an abundance of water indicate that the project area may contain archaeological sites (BCA, 2007). Therefore, once weather permits, a Class II/III pedestrian survey will be performed per the protocol presented in Appendix E. This report will be submitted to PSC and the SHPO when complete. A copy of their response letter is included in Appendix D.

North Dakota Geological Survey

The North Dakota Geological Survey (NDGS) stated that no environmental properties of interest or related concerns or issues were identified. The NDGS does not currently require any specific permits for the proposed Ashtabula Wind Energy Center. A copy of their response letter is included in Appendix D.

North Dakota Parks and Recreation Department

The North Dakota Parks and Recreation Department (NDPRD) stated that their scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). Based on the defined wind farm project boundary, the project does not affect state park lands that they manage or Land and Water Conservation Fund recreation projects that they coordinate. Based on NDPRD's review of the North Dakota Natural Heritage biological conservation database, no occurrences of state plant species of concern have been identified within the Corridor. NDPRD recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, NDPRD recommends that any impacted areas be revegetated with species native to the project area. A copy of NDPRD's response letter is included in Appendix D.

North Dakota Office of Attorney General

The Attorney General's Office was asked to comment on the Project. The Attorney General and members of his staff are prohibited from giving legal advice, opinions, or assistance to private businesses (Appendix D).

North Dakota Department of Commerce

The North Dakota Department of Commerce stated that it supports the development of the Project and was unaware of any environmental or property concerns, or issues, within the boundaries of the proposed Project. A copy of their response letter is included in Appendix D.

North Dakota Department of Health

The North Dakota Department of Health (NDDOH) sent a response letter stating that the department believes that environmental impacts from the proposed construction will be minor and

can be controlled by proper construction methods. The NDDOH requested that measures be taken to minimize fugitive dust emissions, adverse effects on waters of the state, and noise levels during construction activities. The NDDOH also stated that a permit to discharge storm water during construction is required. The NDDOH included with their response a document titled, Construction and Environmental Disturbance Requirements. This document and the response received from NDDOH are included in Appendix D.

North Dakota State Water Commission

The North Dakota State Water Commission (SWC) stated that the property is not located in an identified floodplain and it is believed that the project will not affect an identified floodplain; that all waste material associated with the project must be disposed of properly and not placed in identified floodway areas; and that no sole-source aquifers have been designated in North Dakota. A copy of SWC's response letter is included in Appendix D.

North Dakota Department of Labor

The North Dakota Department of Labor stated that they have no authority to issue any permits regarding land or environmental concerns. A copy of their response letter is included in Appendix D.

North Dakota Job Service

The North Dakota Job Service stated that they have no information regarding the boundaries of the tracts within the Project Area. A copy of their response letter is included in Appendix D.

5. Collection and Evaluation of Criteria Data

North Dakota Administrative Code §69-06-08-02 sets forth certain transmission facility corridor and route criteria an applicant must present. They include exclusion, avoidance, selection, and policy criteria. Exclusion and avoidance criteria encompass specific land designations (such as parks and historic places), human dwellings, water developments, and habitat for state or federal threatened and rare species. Selection criteria relate to the effects from construction on agriculture, noise, and other general environmental conditions. Policy criteria relate to the applicant's policies regarding health, safety, labor relations, and coordination with other interests.

Ashtabula Wind gathered data from several sources to identify the locations of exclusion and avoidance areas and to determine the potential impact of its proposed facility on selection criteria. A computerized geographic information system (GIS) was utilized to compile and analyze most of the data. GIS was also used to produce the Figures. Specific sources included:

- North Dakota Natural Heritage Program dataset on sensitive species and habitats and state parks.
- U.S. Fish and Wildlife Service's National Wetland Inventory maps, obtained in GIS format.
- Residences, homesteads, federal and state wildlife areas, and land currently irrigated or with notable potential for irrigation within the Corridor were located by aerial photograph interpretation.

- Structures (including extractable resources, cemeteries, and communication towers) were derived from data obtained from the North Dakota GIS Hub.
- Woodlands were derived from USGS 7.5 minute topographic quadrangle maps.

SECTION C. NEED FOR FACILITY

- 1. An analysis of the need for the proposed facility based on present and projected demand for the product or products to be produced by the proposed facility, including the most recent system studies supporting the analysis of the need.**

The permit would authorize the construction of a one-mile wide Corridor encompassing a nine and one-half miles long, 230 kV radial electric transmission line in Barnes County, North Dakota. The proposed radial electric transmission line will allow the Ashtabula Wind Energy Center to contribute approximately 200 MW of renewable energy to the power grid. The proposed radial electric transmission line and substation facilities are needed in order to step up the 34.5 kV energy produced by the wind farm to 230 kV before it is transmitted.

- 2. A description of any feasible alternative methods of serving the need.**

The Corridor was selected using PSC criteria in addition to other constraints such as engineering, cost, and landowner participation. As described throughout this application, feasible and prudent alternatives were examined throughout the planning process.

- 3. A statement justifying any deviation from the most recent Ten-Year Plan which the proposed facility may present.**

Ashtabula Wind is a new entity, therefore has not filed a Ten-Year Plan with the Commission to date. Ashtabula Wind will file a Ten-Year Plan with the Commission by July 2008.

SECTION D. LOCATION

This section includes the justification for selecting the proposed corridor. It describes the general environment and factors that are important from an environmental and human health standpoint. General impacts and mitigation measures are discussed in subsequent sections of this application, as are the PSC's Corridor Application Criteria. Policies affecting the manner in which Ashtabula Wind addressed environmental, human safety and economic issues are also discussed.

- 1. Selection of Study Area and Proposed Corridor**

This section describes how Ashtabula Wind chose the study area and the proposed Corridor. Ashtabula selected a study area which was a relatively straight line along the proposed route, approximately nine and one-half miles in length.

Ashtabula wind used general criteria to select the proposed corridor within this study area, including location of existing transmission facilities (lines and substations), location of communities and area residences, land ownership and ecologically sensitive areas.

Location of Transmission Facilities

The proposed facility is a 230 kV transmission line that will extend approximately nine and one-half miles from the Barnes Substation in Section 10, Township 142 North, Range 57 West to the proposed Pillsbury 230 kV Substation located in Section 13, Township 143 North, Range 57 West. This proposed corridor runs north along 123rd Avenue for approximately six miles at which point it turns east for the remaining three miles or so until it reaches the proposed Pillsbury 230 kV Substation. About one mile before the line terminates at the proposed Pillsbury 230 kV Substation, the route crosses a small portion of Goose Lake. The proposed radial electric transmission line will allow the Ashtabula Wind Energy Center to contribute approximately 200 megawatts (MW) of renewable energy to the power grid.

Location of communities

The Corridor is situated in a lightly populated rural area of southeast North Dakota and is located in portions of Noltimier, Grand Prairie, and Baldwin townships in Barnes County, North Dakota. The population of Barnes County is 10,955; Noltimier Township has a population of 89; Grand Prairie Township has a population of 49; and Baldwin Township has a population of 34. According to the 2000 U.S. Census, the largest industries employing residents of Barnes County are management, professional, service, sales, and office occupations.

There are several towns near the proposed project. However, these towns are located in excess of two miles from the proposed Corridor. The nearest community is Pillsbury, located approximately two miles southeast of the proposed substation. The next closest community is Luverne, located approximately five miles northwest of the Corridor. There are eight farmsteads, six occupied and two abandoned, within the proposed Corridor.

Land ownership

The proposed Corridor avoids lands owned by the federal government and lands operated as state wildlife areas. No tribal lands are located within the Corridor or vicinity.

Ecologically Sensitive Areas

There are no rare or endangered species located in the area. Whooping cranes (*Grus americana*), spring and fall migrants in North Dakota, were first federally listed as Threatened in 1967 and federally listed as Endangered in 1970 (Canadian Wildlife Service and USFWS 2005). The primary threats to this species include loss of roosting and foraging habitat and collisions with power lines and fences. In North Dakota, whooping cranes have the potential to occur anywhere suitable feeding and roosting habitat is found; however 94% of all documented whooping crane occurrences have been within 200 mile corridor adjacent to the Missouri River (Austin and Richerts 2001). The Ashtabula Project Area is located outside of the 200 mile corridor, thus whooping cranes are thought to have a low likelihood to occur at the Project Area. The attractiveness of an area to migrating whooping cranes will likely be influenced by the amount and configuration of feeding and roosting sites on the landscape. There is a historic observation within 10 miles of the WRA; however, due to only six percent of observations occurring outside the 200-mile corridor, individuals regularly occurring in this area are highly unlikely.

2. Criteria Maps

Identify and map the criteria that led to the proposed Corridor location within the study area.

All criteria that can be mapped are provided in the Figures section at the end of this application. The maps all include the location of the proposed Corridor and are organized as follows:

- Figure 1 – General Location Map and Study Area
- Figure 2 – Exclusion Areas
- Figure 3 – Avoidance Areas
- Figure 4 – Selection Criteria
- Additional criteria that cannot be mapped but are described throughout the next section.

3. Description of Criteria in the Proposed Corridor

Discuss the relative value of each criteria and how the proposed corridor location was selected giving consideration to all criteria.

The Public Service Commission has established criteria that guides and governs the siting of a transmission line corridor and route, N.D.A.C. §69-06-08-02. These criteria are divided into four general areas: exclusion areas, avoidance areas, selection criteria, and policy criteria. All were given weight in selection of the proposed Corridor.

The proposed Corridor was also selected based on the factors identified in N.D.C.C. §49-22-09, and consideration was given to the efficiencies created by placing the line along a route as straight as possible. An overview map of the proposed Corridor is provided in Figure 1. Criteria listed by the Public Service Commission as exclusion, avoidance, selection, and policy will be used to select the most appropriate route within the proposed Corridor.

a. Exclusion Areas

The following geographical areas shall be excluded in the consideration of a route for a transmission facility. A buffer zone of a reasonable width to protect the integrity of the area shall be included. Natural screening may be considered in determining the width of the buffer zone (N.D.A.C. §69-06-08-02).

- (1) Designated or registered national: parks; memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.**

None of these areas are found within the proposed Corridor (or route).

- (2) Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserve areas.**

A Class I Cultural Resources Inventory (file search/literature review) was conducted by Beaver Creek Archaeology, Inc. (BCA) on September 6, 2007, at the State Historical Society of North Dakota (Appendix C). Based on the results of the file search, one architectural site lead was found in Section 9, Township 142 North, Range 57 West (Figure 2). This site is located outside of the proposed Corridor. In order to further investigate the project area, once weather permits, BCA will perform a Class II/III

pedestrian survey to identify cultural resources along a 200-foot corridor along the transmission line route. BCA will adhere to the guidelines outlined in North Dakota SHPO Manual for Cultural Resource Inventory Projects Revised Edition (SHSND 2004). Results will be used to microsite the transmission line route to avoid impacts to cultural and archeological sites that would be significant and/or eligible for the National Register of Historic Places. Refer to the protocol in Appendix E.

(3) County parks and recreational areas; municipal parks; and parks owned or administered by other governmental subdivisions.

None of these areas are found in the proposed Corridor (or route). Lake Ashtabula is located two and one-half miles west of the proposed Corridor.

(4) Areas critical to the life stages of threatened or endangered animal or plant species.

No areas critical to the life stages of threatened and endangered animal or plant species have been identified in the Corridor.

(5) Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.

According to a review of the USFWS database, there are no federally listed plant species or state plant species of conservation priority within Barnes County.

b. Avoidance Areas

The following geographical areas shall not be approved as a site for a transmission line 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; the efficient use of resources; and alternative sites.

(1) Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.

Certain wetlands within USFWS easements (USFWS Wetlands) on private property are under USFWS jurisdiction (Figure 3). If impacts to USFWS wetlands cannot be avoided, Ashtabula Wind will work with the USFWS to obtain permits or letters of authorization and will conduct mitigation if required. The USFWS requires a compatibility assessment for any impacts to these USFWS wetlands.

Land enrolled in U.S. Department of Agriculture's (USDA) Conservation Reserve Program (CRP) is found within the Corridor. The proposed route runs parallel to two areas of CRP in Sections 13 and 14, Township 143 North, Range 57 West (Figure 3). However, the route will be micrositied to avoid impacts to these areas of CRP.

(2) Designated or registered state: wild, scenic, or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.

None of these areas are found in the proposed Corridor (or Route).

(3) Historical resources which are not specifically designated as exclusion or avoidance areas.

None of these areas are found in the proposed Corridor (or Route).

(4) Areas which are geologically unstable.

Available data does not identify any unstable areas along the proposed route. A route survey will be performed prior to construction activities. If unstable sites are identified, measures required to avoid or mitigate unstable areas will be incorporated into the engineering design.

(5) Within five hundred feet [152.4 meters] of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.

Eight farmsteads, six occupied and two abandoned are located within the proposed Corridor. Four farmsteads are located within 500 feet of the transmission facility. Locations of these farmsteads are depicted on Figure 3. Ashtabula Wind will obtain written waivers from these landowners and will submit to the PSC upon receipt.

(6) Reservoirs and municipal water supplies.

Surface water accounts for approximately 134 acres of the Corridor. The transmission line route will be microsited to avoid surface water.

(7) Water sources for organized rural water districts.

There are no rural water districts within the proposed Corridor (or route).

(8) Irrigated Land

According to the North Dakota State Water Commission, Water Permit Retrieval System, there is one property with an irrigation permit near the termination point of the transmission line (Figure 3). According to the permit, approximately 80 acre-feet of water are diverted from the Maple River to irrigate 160 acres of land. The general area of the irrigated land is described as sections 2, 10 and 11 of Township 143 North, Range 57 West (Baldwin Township), and is north of the proposed transmission line.

(9) Areas of recreational significance which are not designated as exclusion areas.

Lake Ashtabula is located two and one half miles west of the proposed corridor and provides recreation for residents and visitors. Impacts to recreation will be visual in nature.

c. Selection Criteria

A corridor or route shall be designated only when it is demonstrated to the commission by the applicant that any significant adverse effects which will result from the location,

construction, and maintenance of the facility as they relate to the following, will be at an acceptable minimum, or that those effects will be managed and maintained at an acceptable minimum (N.D.A.C. §69-06-08-02.3).

(1) The impact upon agriculture:

(a) Agricultural production

During construction, agricultural production within the proposed Corridor will not be affected except within certain areas along the route and at selected staging locations. Staging locations will be placed on previously disturbed areas where they are available. Areas disturbed for industrial use such as the substation site will be utilized whenever practicable, but other disturbed areas such as cropland may also be utilized. Given the small size of these staging areas and the short term of the construction, impacts from staging are expected to be localized and minimal.

Following construction, any disturbed area, either in the right-of-way or in these staging areas, will be restored as close as practicable to their original condition. The degree of impact to any area will depend upon the extent of construction activities and soil conditions of the particular area. Normal construction should only temporarily affect native rangeland vegetation along the route. Where rangeland and cropland is disturbed and doesn't regrow naturally in the next growing season, Ashtabula Wind will replant the area with a native grass seed mixture or crop and the area will be reclaimed to conditions compatible with the surrounding area. Staging areas and other sites receiving heavy use will be tilled to the extent necessary to alleviate compaction and prepare a seed bed.

After construction, agricultural production will be unrestricted throughout the bulk of the right-of-way. Placement of structures for the proposed facility will displace small areas of cropland and hay land, and machinery will need to maneuver around structures. Production and harvesting machinery will otherwise be able to operate without hindrance under the proposed facility. Occasionally, maintenance of the line will require additional construction-type activities along the route. Landowners will be compensated through an easement payment for any potential loss of land and crop production.

Livestock production will not be affected by construction or operation of the proposed facility. Construction crews will work with landowners to ensure that fenced pastureland will remain secure for cattle. Following construction, cattle will be free to graze below the proposed facility and virtually all land will be available for grazing along the route.

(b) Family farms and ranches.

The main impact to family farms and ranches would be temporary and minimal disturbance to pastureland and hay land as noted above. Landowners will be compensated through an easement payment for any potential loss of land and crop production.

(c) Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.

Ashtabula Wind is not aware of any land that is planned for irrigation within the proposed Corridor.

(2) The impact upon:

(a) Noise-sensitive land uses

Noise-sensitive land uses within the Corridor include residences. As stated in the Barnes County noise standard, sustained noise over 75 dB during the day and 65 dB at night is not allowed. Ashtabula Wind will not use equipment that produces 80 dBA of noise during hours outside of normal working hours.

Following construction, there will be a minimal amount of sound from the proposed facility as the result of corona effects. Corona effects occur when air molecules near conducting wire are ionized due to changes in the electric field intensity at the conductor surface, producing audible noise, radio noise, small amounts of ozone, and corona-related energy loss. Corona-generated audible noise from transmission lines and substations is generally described as a crackling or hissing noise. The noise is most noticeable when conductors are wet (as a result of precipitation). During dry weather, noise is barely perceptible, creating only a sporadic crackling sound.

(b) The visual effect on the adjacent area

The proposed facility will be visible to landowners and community residents who live near the proposed facility. The tapered design of the structures is intended to, among other things, minimize visual impacts.

(c) Extractive and storage resources

No extractive and storage resources have been identified within the proposed Corridor (or route).

(d) Wetlands, woodlands, and wooded areas

Approximately 594 acres of wetlands are present within the Corridor (Figure 4). Based on data from the National Wetlands Inventory (NWI) obtained from the USFWS, wetlands which make up between 0.80 and four percent of the proposed Corridor are identified as palustrine emergent, seasonally-flooded (PEMC), palustrine, aquatic bed, emergent, semi-permanently flooded (PAB/EMF), palustrine

emergent, semi-permanently flooded (PEMF), and palustrine emergent, temporarily-flooded (PEMA) wetlands. Remaining wetland types make up 0.23 percent or less of the Corridor. Goose Lake is listed as FWS NWI Wetlands. The lake is located within the northern portion of the proposed corridor. Transmission lines constructed to span Goose Lake will be fitted with bird perch guards and bird flight diverters to minimize bird use and avian impacts.

On-site delineation of these features prior to construction will identify wetland resources which are considered federal waters subject to the requirements of Section 404 of the CWA. The wetland inventory protocol that Ashtabula Wind will follow is contained in Appendix E.

Economically important forestry resources are not found along the proposed Corridor. According to the 2002 Census of Agriculture only one farm specializing in cut Christmas trees and short-rotation woody crops is located in Barnes County. A number of small to larger patches of trees occur between agricultural fields and serve as shelterbelts around residential and agricultural buildings or along wetlands. Site visits to the Project Area indicate that species observed within the tree patches include green ash (*Fraxinus pennsylvanica*), cottonwood, elm, blue spruce (*Picea pungens*), pines, and Russian olive (*Elaeagnus angustifolia*). Woody vegetation within the project area is depicted on Figure 4.

Based on a cursory calculation, there are approximately 58 acres of woodlands and wooded areas, including shelterbelts, within the proposed corridor ranging in size from approximately one acre to almost three acres (Figure 4). Six acres of woodlands, wooded areas and shelterbelts are located along the route. However, Ashtabula Wind will attempt to minimize impacts to these areas during micro-siting.

(e) Radio and television reception, and other communication or electronic control facilities

Potential impacts of proposed construction and operation of the transmission line on existing telecommunications infrastructure within Barnes County were assessed (Comsearch, 2007). The assessment identified 20 microwave paths near the Corridor, the closest of which is located approximately six miles south of the Corridor. Comsearch calculated a Worst Case Fresnel Zone (WCFZ) for each microwave path in the Corridor vicinity. The mid-point of a full microwave path is the location where the widest (or worst case) Fresnel Zone occurs. The calculated WCFZ radius represents the area where planned wind farm infrastructure should be avoided, if possible. The microwave interference study and worst case Fresnel Zone calculations from Comsearch are attached as Appendix C.

(f) Human health and safety

Ashtabula Wind will employ proper construction methods to ensure the project will result in minimal impacts to human health and safety.

Human health and safety will be Ashtabula Wind’s paramount concern during construction and operation of the proposed facility. Appropriate standards will be met for construction and installation, and all applicable safety procedures will be followed after installation. The proposed facility will be designed and constructed to meet or exceed the standards of the National Electrical Safety Code.

Safety precautions will be taken during construction and line installation. Conductors will be installed by establishing stringing setup areas within the right-of-way approximately every two miles along the route. Conductors will be installed between setup areas using a “controlled tension method,” which ensures that the cable comes off the reel at a constant tension without backlashes. Conductor stringing operations will also require brief access to each structure to secure the conductor wires to the insulators or shield wire clamps once final line sag is established. Heavy, truck-mounted winches that also carry reels of conductor and cable would be used for pulling and tensioning work.

Stringing equipment generally consists of wire pullers, tensioners, conductor reels, shield wire reels, and sheave blocks. Stringing operations consist of pulling lightweight cables or ropes through the stringing sheaves located at every structure site. This cable or rope will be used to pull the conductors through the sheaves under sufficient tension to keep the conductor from coming into contact with the ground. Temporary guard or clearance poles will be installed over existing distribution or communication lines, streets, roads, highways, railways, or other obstructions after any necessary notifications are made and/or permits obtained. This ensures that conductors will not obstruct traffic or come into contact with existing energized conductors or other cables, and protects the conductors from damage.

Regular maintenance and inspections will be performed during the life of the facility to ensure its continued integrity. Periodic inspections will be performed by ground personnel on snowmobile or ATV, or by aerial means. Inspections will be limited to the right-of-way. If problems are found during inspection, repairs will be assigned to construction crews. If damages to crops are incurred during maintenance and repairs, reimbursement will be made to the landowner, consistent with the terms of the easement.

The term “electromagnetic field” (EMF) refers to the electric and/or magnetic field that is present around any electrical device. Electric fields arise from the voltage or electrical charges and magnetic fields arise from the flow of electricity or current that travels along transmission lines, power collection (feeder) lines, substation transformers, house wiring, and electrical appliances. The intensity of the electric field is related to the voltage of the line and the intensity of the magnetic field is related to the current flow through the conductors (wire). EMF can occur indoors

and outdoors. However, there are no known discernible health impacts from power lines (NIEHS Program Staff, 1999).

The proposed facility will generate electromagnetic fields (EMFs) once energized. The effect of EMF exposure on human health has been a matter of public concern over the past few years. The National Institute of Environmental Health Sciences (NIEHS) issued its final report on June 15, 1999, following six years of intensive research. It concluded that the scientific evidence that extra low frequency EMF exposures pose any health risk is weak. The NIEHS was the lead government agency in directing and carrying out a Congressionally mandated research program on EMF. The EMF levels of the proposed facility are explained below.

The EMF level is related to the power carried by the line, the configuration and sag of the conductors, span length, and location of measurement relative to the line. EMF levels are inversely proportional to the distance from the conductors. For example, operating at 200,000 kVA (the potential future operating level of the project) at a point 3.5 feet above ground at mid-span of an 800 foot span with the conductor height of 27 feet and 70 foot poles, the annual maximum level of EMF will measure approximately 128 mG (milliGauss). At a point 3.5 feet above ground at the base of one of the structures, the annual maximum EMF level will measure approximately 70 mG. At a point 100 feet in transverse direction from the line at a point 3.5 feet above ground at mid-span, the annual maximum EMF will measure approximately 11 mG. At 500 feet in a transverse direction from the line, the annual maximum EMF will measure approximately 0.07 mG. The EMF levels stated in the above example would be annual maximums. The minimum level would be about zero, and an annual time-weighted average would be about 45 percent of the annual maximum.

The transmission line will be no closer than 1,400 feet to occupied residences where EMF will be at background levels. Ashtabula Wind will follow “prudent avoidance” methods to EMF exposure, such as encouraging conservation, encouraging distributed generation, and continue to monitor EMF research.

Ashtabula Wind will continue to closely monitor this issue and will respond to any new research on EMF as the circumstances require.

(g) Animal health and safety

Livestock impacts will be avoided as discussed in Section D.3.c.1 above.

(h) Plant life

Ashtabula Wind will avoid existing trees and shrubs as practicable. Ashtabula Wind will use BMPs during construction and operation to minimize impacts. If impacts to trees or shrubs cannot be avoided, the individual trees or shrubs will be replaced. Temporarily disturbed areas will be reseeded per USFWS and NRCS recommendations.

d. Policy Criteria

The commission may give preference to an applicant that will maximize benefits that result from the adoption of the following policies and practices, and in a proper case may require the adoption of such policies and practices. The commission may also give preference to an applicant that will maximize interstate benefits (N.D.A.C. §69-06-08-02.4).

Because Ashtabula Wind’s proposed facility has taken the Commission’s policy criteria into consideration, and because the proposed facility adopts and reinforces these policy considerations and maximizes the benefits resulting from the adoption of these policies, this Application should be given preference.

(1) Location and Design.

Ashtabula Wind has numerous policies that guide the location and design of electric transmission lines (Appendix A). These policies include minimizing and mitigating environmental impacts, following the National Electrical Safety Code requirements and policies, designing the system to efficiently transfer electricity, ensuring worker and public health and safety, and constructing facilities to most effectively and efficiently meet its delivery obligations.

(2) Training and utilization of available labor in this state for the general and specialized skills required.

Ashtabula Wind will use local and regional labor to the extent practicable.

(3) Economies of construction and operation.

Ashtabula Wind has designed and will operate the proposed facility as economically efficient as possible. Ashtabula Wind has evaluated all feasible alternatives and selected the project that is least costly, and one that most minimizes impacts to the social, economic, and natural environment.

(4) Use of citizen coordinating committees.

No citizen coordinating committees were used for the proposed route or proposed corridor. Ashtabula Wind will work with landowners of properties for the project.

(5) A commitment of a portion of the transmitted product for use in this state.

The proposed facility will create a more reliable transmission system. Ashtabula Wind’s proposed transmission line will enable the construction of a 199.5 MW wind energy project in North Dakota. Energy transmitted will be sold at the Pillsbury 230 kV substation to regional utilities. This project will benefit the state and local economy.

(6) Labor relations.

No labor relations will be affected.

(7) The coordination of facilities.

Existing infrastructure was considered in the location of the Corridor. The proposed facility was conceived as a way to coordinate existing transmission facilities, and to

strengthen the reliability of the areas electrical facilities. The proposed facility will tie into a new substation. This proposed facility will also be included as part of the electrical power grid of MAPP. These facility additions will be coordinated with other MAPP power suppliers in the region.

(8) Monitoring of impacts.

The impacts of the construction and operation of the proposed facility are discussed above in Section D.3.c. Ashtabula Wind will monitor revegetation success following construction along the route. Ashtabula Wind will also monitoring dust and noise during construction. Any concerns raised by agencies, landowners, or the Public Service Commission, will be addressed immediately. Impacts to wetlands and woodlands will likely require mitigation to replace the losses, and these will also be monitored for three years following construction. Ashtabula Wind will employ best management practices during construction to monitor soil impacts and segregate topsoil. All disturbance sites exceeding appropriate size criteria will prepare stormwater pollution prevention plans.

(9) Utilization of existing and proposed rights-of-way and corridors.

Ashtabula Wind does not own existing facilities within the corridor and will not be utilizing any existing right-of-ways.

(10) Other existing or proposed transmission facilities.

Coordination of the proposed facility with existing and proposed transmission facilities is discussed above.

e. Summary of Criteria in Proposed Corridor and Route

Criteria	Acres or Number within Corridor ^a	Acres or Number within Route ^b	% of Corridor Occupied by Criteria	% of Route Occupied by Criteria
Exclusion Areas	0	0	0	0
Avoidance: CRP Land	101.01	5.35	1.60%	4.00%
Avoidance: Federal and State Wildlife Management Areas	0	0	0	0
Avoidance: Surface Water	134.04	2.09	2.13%	1.57%
Avoidance: Irrigated Land	0	0	0	0
Avoidance: UFWWS Wetlands	96.77	1.24	1.53%	0.95%
Avoidance: Occupied Residences	6	3	NA	NA
Selection: Extractable Resources	0	0	0	0
Selection: Communication Towers	0	0	0	0
Selection: Woodlands/Wooded Areas	57.84	5.94	0.92%	4.45%
Selection: NWI Wetlands	459.71	7.17	7.29%	5.38%

^a Corridor size is estimated at 6,730 acres

^b Route with 120-foot buffer is 140 acres

f. Design and construction limitations.

The location of the facility was chosen in order to satisfy the need expressed in Section 11.C of this application. In order to satisfy the need expressed in Section II.C of this application, it was necessary to originate the proposed facility at the proposed Barnes substation in Barnes County and connect it to the proposed Pillsbury 230 kV substation in Section 13, Township 143 North, Range 57 West. The location of the substation and the connection at the Pillsbury substation has limited design by dictating the points of terminus for the line.

g. Economic Considerations.

Ashtabula Wind has strived and will continue to strive to minimize any economic damage this proposed facility might create. Landowners will be compensated through an easement payment for any potential loss of land and crop production. The route was chosen in as straight a line as possible with consideration given to willing landowner participation, exclusion areas, avoidance areas, and other selected areas.

4. General Mitigative Measures to Minimize Adverse Impacts

Discuss the general mitigative measures that will be taken to minimize adverse impacts which result from a route location in the proposed Corridor.

Ashtabula Wind will avoid potential impacts to sensitive resources, which includes exclusion, avoidance and selection criteria as noted in the criteria sections above (see Section II.D.3). Specific impacts that would be caused by the proposed facility and mitigation for those impacts are provided in the Route Permit Application. Generally, Ashtabula Wind will follow the philosophy of avoiding impacts to sensitive criteria first and foremost. When avoidance is not possible, efforts are made to compensate or mitigate for those impacts. Possible impacts include damage to and small loss of agricultural land, where Ashtabula Wind will compensate landowners; impacts to woodlands and wetlands, where Ashtabula Wind will develop and follow mitigation plans as required by the Commission; and minimizing impacts to soil erosion, noise, and water quality by following certain specifications during construction.

5. Qualifications of People Involved in the Corridor Study

List the qualifications of the people in the various disciplines that contributed to the Corridor location study.

NAME PROJECT ROLE	EDUCATION AND PROFESSIONAL EXPERIENCE
JOHN DIDONATO Director, Project Development FPL Energy	Project developer representing FPL Energy in all commercial and regulatory aspects of the project. Bachelor's degree, Kent State University. Master's degree, Florida Atlantic University
SCOTT SCOVILL Director, Project Development FPL Energy	Project developer representing FPL Energy in all commercial and regulatory aspects of the project. Bachelor's degree, Kent State University. Master's degree, Florida Atlantic University
HOLLY STARLING Manager, Project Development FPL Energy	Project developer representing FPL Energy in all commercial and regulatory aspects of the project. Bachelor's degree, Kansas State University. Master's degree, Webster University
GEOFFREY WEST Environmental Specialist FPL Energy	Mr. West has over 8 years combined experience working in the energy industry as well as for the state water management district as an environmental scientist. Mr. West currently provides environmental support to FPL Energy Development. B.S., University of the South
DICK RAUSCH Construction Project Manager	Provided input on route from a "constructability" perspective.
TOM FACTOR Land Easement Specialist/ Route Mapping FPL Energy	Representing FPL Energy on wind resource, landowner discussions and selection of corridor.
TED WEISSMAN Land Easement Specialist FPL Energy	Representing FPL Energy on landowner discussions and selection of corridor.
BRIAN BJELLA Attorney for Applicants Fleck, Mather & Strutz, Ltd.	J.D. degree, University of North Dakota Applicant's counsel.
TRACEY MARTORANO Project Manager Tetra Tech EC, Inc.	Ms. Martorano has over nine years in the environmental consulting business. She has experience preparing and securing environmental permits for energy-related facilities, coordinating and managing biological and cultural field surveys, and contributing to National and State Environmental Policy Act (NEPA) documentation. Ms. Martorano manages siting studies, prepares environmental permits, and conducts consultation with local, state and federal stakeholders for wind energy.

NAME PROJECT ROLE	EDUCATION AND PROFESSIONAL EXPERIENCE
JEFFREY RICE Environmental Group Manager Tetra Tech	<p>Mr. Rice has over 25 years of environmental consulting experience and has managed environmental, natural resource, soil and regulatory projects. He also has a wide range of experience in National Environmental Policy Act (NEPA) and natural resource projects including preparation of environmental impact statements (EISs), environmental assessments (EAs), and critical issue evaluations for mining, power plants, wind energy and other large scale industrial developments.</p> <p>Association of Ground Water Scientists and Engineers B.S., Land Resources (Soil Science), Montana State University, 1982</p>
HAVEN WESTERMAN Environmental Scientist Tetra Tech	<p>Ms. Westerman has over five years of experience performing natural resource investigations, including geographic information systems fieldwork, Phase I environmental site assessments (ESAs), permitting, and regulatory compliance. Tasks also include monitoring and sampling support for remediation sites.</p> <p>ASTM International Member B.S., Biology, Montana State University-Billings, 2002</p>
LYNN PETERSON GIS Analyst Tetra Tech	<p>Ms. Peterson has over 18 years of professional experience in the fields of anthropology and archaeology, conducting and directing all phases of cultural resource survey, testing and excavation of prehistoric and historic sites, supervising lab analysis of artifacts, and writing project reports. She is familiar with projectile point types and the cultural chronology of the Plains, the Great Basin and the Pacific Northwest. Ms. Peterson is also proficient at locating, recording, and evaluating National Register of Historic Places eligibility of cultural resources. She has authored or co-authored over 50 cultural resource reports and she has experience working with the Crow, Northern Cheyenne, Sioux, Blackfeet and Colville Tribes. Ms. Peterson also has several years experience as a GIS analyst and has worked on projects for the U.S. Forest Service and consulting firms in the private sector.</p> <p>Post-Baccalaureate GeoTechnology Certificate Program, Idaho State University, 2006 MS, Anthropology, University of Oregon, 1989 BA, Anthropology, California State University-Long Beach, 1983</p>
GREGORY C. DAWDY Senior Environmental Scientist/Project Manager	<p>Mr. Dawdy has over 20 years of experience in wetlands delineation/mitigation and permitting, sediment and surface water sampling, biological assessments, preliminary assessments, site investigations and remedial investigations/feasibility studies (RI/FS), Mr. Dawdy has served as project manager and project biologist for numerous wetland delineation/mitigation projects in Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Nebraska, Minnesota, Missouri, New York, North and South Dakota, Wisconsin and Wyoming. He has extensive experience performing water quality and aquatic biota surveys in Lake Michigan and the Mississippi, Illinois, and Ohio River systems. He has also served as field task manager, site safety and health officer and/or environmental scientist for numerous remedial investigations performed for various districts of the U.S. Army Corp of Engineers (USACE) under the Defense Environmental Restoration Program (DERP).</p> <p>Society of Wetland Scientists American Fisheries Society BS, Biological Studies, Southern Illinois University, 1985</p>

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DEFINITIONS

ADT	Average Daily Traffic
ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
Asynchronous Generator	A cage-wound generator, also called an induction generator, used to generate alternating current
BCA	Beaver Creek Archeology
BMPs	Best Management Practices; prevents soil erosion and sedimentation
Capacity	The capability of a system, circuit, or device for storing electronic charge
Class I Cultural Resources Inventory	Existing data inventory – a large-scale review and compilation of known cultural resource data
Class II/III Cultural Resources Inventory	Field inventory to identify cultural resources that could be affected by project facilities within the Project Area
Aggregate Surface Commission or PSC	Road cover used for proposed access roads North Dakota Public Services Commission
CRP	Conservation Reserve Program
Corridor Certificate (aka Certificate)	Certificate of Corridor Compatibility
CWA	Clean Water Act
DA	Department of the Army
dBA	A-weighted decibel
Distribution	Relatively low-voltage lines that deliver electricity to the retail customer's home or business
DOE	U.S. Department of Energy
Electromechanical	Of, relating to, or being a mechanical process or device actuated or controlled electrically; especially being a transducer for converting electrical energy to mechanical energy
EMF	Electric and Magnetic Field
EPC	Engineering, procurement, and construction
EPCRA	Emergency Planning and Community Right-to-Know Act
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FPL Energy	Florida Power and Light Energy
FPPA	Farmland Protection Policy Act
Ft	Foot/Feet
GE	General Electric
Gearbox	An assembly of parts including the speed-changing gears and the propeller shaft by which the power is transmitted from an automobile engine to a live axle; the speed-changing gears in such an assembly
Generator	A machine by which mechanical energy is changed into electrical energy
Geotechnical	A science that deals with the application of geology to engineering
NDGFD	North Dakota Game and Fish Department
Hub	The central part of a circular object (as a wheel or propeller)
Interconnection	To be or become mutually connected
kV	kilovolt
kVA	kilovolt-amperes
kW	kilowatt

MW	megawatt
M	meter
m/s	meter per second
MAPP	Mid-Continent Area Power Pool
Micrositing	The process in which the wind resources, potential environmentally sensitive areas, soil conditions, and other site factors, as identified by local, state and federal agencies, are evaluated to locate wind turbines and associated facilities.
mph	miles per hour
Nacelle	A streamlined enclosure (as for an engine), which houses the gearbox, generator, brake, cooling system and other electrical and mechanical systems
NDDOT	North Dakota Department of Transportation
NESC	National Electric Safety Code
NDAC	North Dakota Administrative Code
NDCC	North Dakota Century Code
NDPRD	North Dakota Parks and Recreation Department
NHID	Natural Heritage Inventory Database
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
NWP	Nationwide Permit
O&M	Operations and maintenance facility
PII	Potential Impact Index
Pitch	The action or a manner of pitching; especially an up-and-down movement
PPA	Power Purchase Agreements
Project, the	Ashtabula Wind Energy Center and/or its associated Corridor/Route
PSC or Commission	North Dakota Public Services Commission
PTC	Production Tax Credit
RECs	Recognized Environmental Conditions
Resistance	The opposition offered by a body or substance to the passage through it of a steady electric current
Rotor	The rotor consists of three blades mounted to a rotor hub
RD	Rotor Diameter: Diameter of the rotor from the tip of a single blade to the tip of the opposite blade
ROW	Right-of-Way
rpm	Revolutions per minute
SCADA	Supervisory Control and Data Acquisitions (communications technology)
SHPO	North Dakota State Historic Preservation Office
Step-up Transformer	A transformer that increases voltage
Substation	A subsidiary station in which electric current is transformed
SWPPP	Storm Water Pollution Prevention Plan
Torque	A force that produces or tends to produce rotation or torsion; also a measure of the effectiveness of such a force that consists of the product of the force and the perpendicular distance from the line of action of the force to the axis of rotation : a turning or twisting force
Transformer	An electrical device by which alternating current of one voltage is changed to another voltage
Transmission	An assembly of parts including the speed-changing gears and the propeller shaft by which the power is transmitted from an automobile engine to a live axle; the

	speed-changing gears in such an assembly
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
UT	Unincorporated Township
WMD	Wetland Management District
WPAs	Waterfowl Protection Area
WUS	Waters of the United States
Yaw	To deviate erratically from a course (as when struck by a heavy sea); especially to move from side to side: to turn by angular motion about the vertical axis

Route Permit Application – *Revision 1*

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I. INTRODUCTION

This is an Application for a Route Permit Ashtabula Wind, LLC (Ashtabula Wind). Although separate and apart from, it is to be reviewed in conjunction with the Ashtabula Wind's Certificate of Corridor Compatibility Application. In these Applications, Ashtabula Wind is seeking siting approval for a 230,000 Volt (230 kV) transmission line in Barnes County (Figure 1), and construction of a collection substation. The proposed 230,000 volt (230 kilovolt (kV)), alternating current, transmission line will originate at the Barnes Substation within Ashtabula Wind Energy Center and will terminate at the proposed Pillsbury 230 kV Substation in Section 13, Township 143 North, Range 57 West. Ashtabula Wind is also submitting applications for a Certificate of Site Compatibility and a Route Permit for the wind farm and transmission line, respectively. Because the Corridor and Route Applications have been consolidated for filing, and in order to avoid redundancies, many sections of this Route Permit Application refer back to the Certificate of Corridor Compatibility Application for analysis.

II. ANALYSIS ACCORDING TO PSC GUIDELINES

This application follows the format set forth in the North Dakota Public Service Commission Application Guidelines For A Certificate of Corridor Compatibility ("PSC Guidelines"), promulgated pursuant to the North Dakota Energy Conversion and Transmission Facility Siting Act, N.D.C.C. Chapter 49-22.

SECTION A. DESCRIPTION OF FACILITY

1. Type

See Section II.A.1 of the Certificate of Corridor Compatibility.

2. Product

See Section II.A.2 of the Certificate of Corridor Compatibility.

3. Size and Design

See Section II.A.3 of the Certificate of Corridor Compatibility. Structure designs are included in Appendix B.

4. Time Schedule

See Section II.A.4 of the Certificate of Corridor Compatibility.

5. Right-of-Way Preparation, Construction, and Reclamation Procedures

(This section is not specifically called for in the PSC Guidelines, but it is included to provide additional relevant information as contemplated under the Energy Conversion and Transmission Facility Siting Act, N.D.C.C. §49-22-08.1, Subd.e.)

The proposed route passes primarily through agricultural and range land. Because there are very few obstructions within the proposed route, minimal right-of-way preparations will be necessary. In those few areas where there is tree and shrub growth, right-of-way clearing may include cutting and removal. Where practicable, trees and low-growing vegetation will not be removed if future growth will not interfere with the operation or maintenance of the line. There may be

limited use of herbicides to remove or control the growth of vegetation in some areas. Herbaceous and smaller woody plants will not be disturbed, except for those that will be crushed unavoidably during structure installation. No critical threatened or endangered species habitat or otherwise sensitive vegetation will be permanently disturbed. There will be no machine clearing of vegetation within 50 feet of any river or stream, and ground cover vegetation near rivers or streams will not be disturbed.

Some structure locations may require soil analysis. Soil borings will be taken for the purpose of determining the soil properties for engineering analysis. These borings will be taken by an experienced geotechnical testing laboratory. The geotechnical drill rig will need access to the test sites.

The structures will be designed for installation at existing grades. Therefore, structure sites will not be graded or leveled, unless it is necessary to provide a reasonably level area for construction crews and equipment, such as digger/derrick trucks to auger holes for the structures, a crane for structure setting, and crew vehicles and bucket trucks for wire stringing and clipping operations.

Ground disturbances will be made during the setting of structures. These disturbances will occur during the boring of the hole used for setting the pole. Pole borings will extend into the subsurface approximately 20-22 feet and be approximately seven feet in diameter. Boring equipment will be used to facilitate the installation of the transmission foundation. Soil removed during boring activities will be spread around the base of the pole.

The largest disturbance during installation of the transmission structures will occur during the excavation of the self supporting deadend foundations. Foundations will extend into the subsurface approximately 25 to 30 feet and be approximately seven feet in diameter. Boring equipment will be used to facilitate the installation of transmission foundations. The foundations will be constructed of reinforced concrete with pre-fabricated anchor bolt cases placed in the boreholes. Soil removed during boring activities will be sloped around the structure after installation or in adjacent upland areas.

The most noticeable impact on the site will be land disturbance in the area of transmission structure construction to allow adequate room for operation of equipment. Following the structure installation the entire disturbed area will be groomed and seeded, including replacement of trees and herbaceous vegetation off the transmission line Right-of-way. The anticipated area of disturbance at each tower site during construction will be a radius of up to 60 feet around each tower location.

In addition to the right-of-way along the route, temporary construction easements will be obtained from landowners for the duration of construction. These construction easements will be limited to any additional staging or laydown areas required outside of the transmission line Corridor right-of-way. Where possible, staging and laydown areas will be located within the right-of-way and limited to previously disturbed or developed areas.

After structures have been erected, conductors will be installed by establishing stringing setup areas within the right-of-way. These stringing setup areas will be located approximately every two miles along the route. Conductors will be installed between setup areas using a “controlled tension method,” which ensures that the cable comes off the reel at a constant tension without backlashes. Conductor stringing operations will also require brief access to each structure to

secure the conductor wires to the insulators or shield wire clamps once final line sag is established.

Stringing equipment generally consists of wire pullers, tensioners, conductor reels, shield wire reels, and stringing blocks. Stringing operations consist of pulling lightweight cables or ropes through the stringing sheaves located at every structure site. This cable or roper will be used to pull the conductors through the sheaves under sufficient tension to keep the conductor from coming into contact with the ground. Temporary guard or clearance poles will be installed over existing distribution or communication lines, streets, roads, highways, railways, or other obstructions after any necessary notifications are made and/or permits are obtained. This ensures that conductors will not obstruct traffic or come into contact with existing energized conductors or other cables, and protects the conductors from damage. Once a section of a line has been installed, temporary structures will be removed, holes backfilled, and the area of disturbance reseeded to produce the same cover that was removed.

Debris associated with the transmission line construction may include construction materials such as packaging material, insulator crates, conductor reels, and wrapping. This debris may also include excess excavated soil and removed vegetation. Materials with salvage value, including conductor reels, unused conductor and hardware, poles, and other materials, will be removed from the site for reuse. Excess soil and vegetation will be distributed along the transmission right-of-way, but will not be placed in wetlands or other aquatic resources. Solid waste will be temporarily stored within the right-of-way or within the temporary construction easements, and then transported to appropriate disposal facilities. Debris will be disposed of in accordance with Local, State and Federal regulations.

Limited ground disturbance at the structure sites is anticipated during construction. A main laydown yard for secure, temporary storage of materials and equipment will be established by the construction contractor in a previously disturbed or developed area, and will include sufficient space to lay down material and assemble structures or hardware. Other staging areas will be located within the right-of-way, and will be limited to the structure site areas for structure laydown and framing prior to structure installation. Disturbed areas will be restored to their original condition to the maximum extent practicable. Construction tasks would include the following:

- *Pre-Construction:* Includes activities such as environmental, geotechnical, cultural, avian, micro-siting, engineering, design, land procurement, various utility studies, and major procurement.
- *Surveying:* Initial line-survey work, consisting of aerial photography, survey control, route centerline location, profile surveys, and access surveys.
- *Steel-Pole Structures:* Vegetation would be removed from a limited area at structure locations. Once any vegetation is removed, holes would be drilled for structures using a truck-mounted auger.
- *Delivery and Assembly:* The slip-fit steel-pole structures would be transported to the erection sites on flatbed trucks and assembled. The footings of each would be backfilled with one and a half inch rock and tamped into place to prevent structure movement or

settling. Final structure assembly and hardware placement would be completed using cranes and bucket trucks.

- *Conductor Installation:* Following erection of all structures, conductor and ground wires would be installed. Conductor would be pulled and tensioned from several locations (approximately every two miles) along with the transmission line route. Heavy, truck-mounted winches that also carry reels of conductor and cable would be used for pulling and tensioning work.
- *Post-construction reclamation activities will generally include the following:*
 - Cleaning up all construction sites, including removing and properly disposing of debris;
 - Removing all temporary facilities, including staging and laydown areas;
 - Employing appropriate erosion control measures; and
 - Reseeding disturbed areas (due to construction activities) with vegetation like that which was removed, and restoring the areas to their original condition to the extent possible.
- *Restoration:* Finally, all disturbed areas associated with transmission line construction would be restored to preconstruction condition. Ashtabula Wind will incorporate a tree replacement policy based on consultation with the North Dakota Game and Fish Department.

6. Easement Acquisition

(This section is not specifically called for in the PSC Guidelines, but it is included to provide additional relevant information as contemplated under the Energy Conversion and Transmission Facility Siting Act, N.D.C.C. §49-22-08.1, Subd.f.)

Ashtabula Wind will compensate landowners for easements based on the land within the Corridor encumbered upon and also for facilities (structures and down guys) placed in the encumbered Corridor.

SECTION B. LOCATION

This section explains the considerations that contributed to Ashtabula Wind’s selection of the proposed route. It describes the justification for Ashtabula Wind’s location of the proposed route within the proposed corridor. Ashtabula Wind’s environmental policies are discussed in Section II.B.1 and included in Appendix A. The factors set forth in N.D.C.C. §49-22-09 are examined in Section II.B.2., and environmental and human health criteria are discussed and analyzed in Section II.B.4. Specific impacts of the proposed facility and mitigation of those impacts are provided in Section II.B.5.

1. Ashtabula Wind LLC’s Company Policies

Discuss the utility’s policies and commitments to limit the environmental impact of its facilities, including copies of board resolutions and management directives.

Ashtabula Wind LLC has strong corporate environmental commitments. Its policies are designed to avoid and minimize environmental impacts of its facilities. Ashtabula Wind is a subsidiary of FPL Energy who was ranked #1 by Innovest (an independent ranking firm) for its environmental commitment. Other policies ensure adherence to the National Electric Safety Code, efficient transfer of electricity, worker and public health and safety, and economical construction facilities to minimize rate increases to its customers. Relevant policies are discussed throughout this application and Ashtabula Wind’s Safety and Environment Policy is included in Appendix A.

2. Factors Listed in N.D.C.C. §49-22-09

Discuss the factors listed in §49-22-09, N.D.C.C. to aid the Commission’s evaluation of the proposed route.

The Energy Conversion and Transmission Facility Siting Act (N.D.C.C. §49-22-09) lists 11 factors designed to aid the Commission in its evaluation and designation of corridors and routes. This section discusses the actions Ashtabula Wind has taken or will take to address these factors. Specific information is also provided in later sections that describes the location and consideration of exclusion and avoidance areas, impacts to the environment, and mitigative measures.

- a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.

Research and investigations relating to the effects of the location, construction, and operation of the proposed facility are referenced throughout this Application and the Certificate of Corridor Compatibility Application.

- b. The effects on new energy conversion and transmission technologies and systems designed to minimize adverse environmental effects.

Ashtabula Wind will follow the most current standards of the National Electric Safety Code (NESC). These state-of-the-art design standards help minimize adverse effects to the environment and ensure the safety and health of the public, as well as the employees and contractors who construct, operate and maintain the facilities. Ashtabula Wind will also follow safety policies that are even more stringent than NESC. These policies further

minimize environmental impacts, and ensure the safety of both the public and Ashtabula Wind's employees.

Ashtabula Wind has also followed their policies that require them to practice and promote environmental stewardship (Appendix A). Ashtabula Wind's policies were developed and are constantly revised to incorporate the most recent scientific and technological information available for electric transmission facilities.

- c. The potential for beneficial uses of waste energy from a proposed energy conversion facility.

This factor is not applicable to this transmission facility project.

- d. Adverse direct and indirect environmental effects which cannot be avoided should the proposed site or route be designated.

Unavoidable adverse environmental effects include the visual impacts associated with the Project as well as those impacts related to the placement of support structures and use of the land within the site. The visual character of the site will be changed due to the construction of the Project. In order to construct the line, support structures are necessary. The structures are expected to permanently impact approximately 1,200 square feet (0.03 acres) of land. During construction, up to 141 acres of land, including some agricultural land may be temporarily impacted.

Ashtabula Wind will conduct a pre-construction wetland inventory prior to construction. Ashtabula Wind will attempt to minimize impacts to wetlands and will obtain and follow any conditions of any required USFWS wetland permits or letter of authorization.

Woodlands and wooded areas, including shelterbelts, comprise 58 acres of the Corridor. Six acres of woodlands, wooded areas and shelterbelts are located along the Route. These areas will be avoided to the extent practicable. Ashtabula Wind will incorporate a tree replacement policy based on consultation with the North Dakota Game and Fish Department.

Other unavoidable direct and indirect effects to agricultural lands along the route are described more fully in Section II.D.3.c(1) of the Certificate of Corridor Compatibility Application.

- e. Alternatives to the proposed site, corridor, or route which are developed during the hearing process and which minimize adverse effects.

No alternatives were considered for the transmission route. Ashtabula Wind believes that the proposed location is the most viable alternative. Ashtabula Wind is committed to being flexible regarding Route placement and will work closely with landowners and regulatory agencies to examine all reasonable alternatives to the preliminary layout. The site proposed for the new wind energy center has excellent wind resources and minimal environmental effects.

- f. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.

Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of these resources have on future generations. Irreversible effects primarily result from use or destruction of a specific resource that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. There are few commitments of resources associated with this Project that are irreversible and irretrievable, but include those resources primarily related to construction.

Construction resources that will be used include aggregate resources, concrete, steel or wood for support structures, and hydrocarbon fuel. During construction, vehicles will be traveling to and from the site, utilizing hydrocarbon fuels.

- g. The direct and indirect economic impacts of the proposed facility.

The direct and indirect economic impacts are primarily positive. To the extent that local contractors are used for portions of the construction, total wages and salaries paid to contractors and workers in Barnes County will contribute to the total personal income of the region. Additional personal income will be generated for residents in the county and the state by circulation and recirculation of dollars paid out by the Applicant as business expenditures and state and local taxes. Expenditures made for equipment, energy, fuel, and other products and services benefit businesses in the county and the state.

Long-term beneficial impacts to the county's tax base as a result of the construction and operation of the transmission line will contribute to improving the local economy in this area of North Dakota. The development of wind energy in this region will be important in diversifying and strengthening the economic base of northeastern North Dakota. Additional revenues are expected from property and income taxes.

Continuing to establish the northeastern region of North Dakota as an important producer of alternative energy sources, may spur the development of wind-related businesses in the area, in turn contributing to the economic growth in the region.

- h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.

No conflicts are anticipated with existing state and local government development plans. Ashtabula Wind is not aware of any existing plans for other development within the proposed route and corridor. The proposed facility will enhance the reliability of the electrical system.

- i. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.

There are no designated scenic areas in the proposed Route. A Class I Cultural Resources Inventory (file search/literature review) was conducted by Beaver Creek Archaeology, Inc. (BCA) on September 6, 2007 at the State Historical Society of North Dakota. According to the results of the Class I Inventory, one architectural site lead, consisting of a cemetery, was previously identified west of the proposed Corridor. Once weather permits, BCA will be

performing a Class II/III Pedestrian survey to identify cultural resources along the transmission line route. BCA will adhere to the guidelines outlined in North Dakota SHPO Manual for Cultural Resource Inventory Projects Revised Edition (SHSND 2004). Results will be used to microsite the transmission line route.

Ashtabula Wind is committed to minimize impacts to these resources and will avoid these resources and any additional resources identified throughout the life of the Project. If avoidance is not possible, Ashtabula Wind will work with the North Dakota SHPO to mitigate potential impacts.

- j. The effect of the proposed site or route on areas which are unique because of biological wealth or because they are habitats for rare and endangered species.

There are no designated unique areas within the proposed route.

- k. Problems raised by federal agencies, other state agencies, and local entities.

Please refer to Section II.B.4 of the Certificate of Corridor Compatibility application for agency comments regarding the proposed route.

3. Criteria Maps

Identify and map the criteria that led to the proposed route location within the designated corridor.

See Section II.D.2 of the Certificate of the Corridor Compatibility and the Figures at the end of the Application.

4. Description of PSC criteria found along the proposed route

Discuss in detail the relative value of each criteria and how the location, construction, and operation of the facility will affect each criteria.

See Section II.D.3 of the Certificate of Corridor Compatibility and the Figures at the end of the Application.

5. Evaluation of criteria found along the proposed route

The criteria to be evaluated shall include at a minimum all of the following which are within the designated corridor:

- a. Exclusion areas;
- b. Avoidance areas;
- c. Selection criteria;
- d. Policy criteria;
- e. Design and construction limitations; and
- f. Economic considerations.

The proposed transmission line route avoids the exclusion and avoidance areas to the maximum extent practical within the corridor.

a. Exclusion areas

(1) Designated or registered national: parks, memorial parks; historic sites and landmarks; natural landmarks; monuments; and wilderness areas.

None located along the proposed route. See Section II.D.3.a(1) of the Certificate of Corridor Compatibility.

(2) Designated or registered state: parks; historic sites; monuments; historical markers; archaeological sites; and nature preserves.

A Class I Cultural Resources Inventory (file search/literature review) has been conducted for the corridor and route (Figure 2; Appendix C). Once weather permits, BCA will perform a Class II/III pedestrian survey to identify cultural resources along a 200-foot corridor along the transmission line route (Appendix E). See Section II.D.3.a(2) of the Certificate of Corridor Compatibility.

(3) County parks and recreational areas; municipal parks; parks owned or administered by other governmental subdivisions.

None located along the proposed route. See Section II.D.3.a(3) of the Certificate of Corridor Compatibility.

(4) Areas critical to the life stages of threatened or endangered animal or plant species.

None located along the proposed route. See Section II.D.3.a(4) of the Certificate of Corridor Compatibility.

(5) Areas where animal or plant species that are unique or rare to this state would be irreversibly damaged.

None located along the proposed route. See Section II.D.3.a(5) of the Certificate of Corridor Compatibility.

b. Avoidance Areas

(1) Designated or registered national: historic districts; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.

Certain wetlands within USFWS easements (USFWS Wetlands) on private property are under USFWS jurisdiction (Figure 3). If impacts to USFWS wetlands cannot be avoided, Ashtabula Wind will work with the USFWS to obtain permits or letters of authorization and will conduct mitigation if required. The USFWS requires a compatibility assessment for any impacts to these USFWS wetlands. See Section II.D.3.b(1) of the Certificate of Corridor Compatibility.

Land enrolled in U.S. Department of Agriculture's (USDA) Conservation Reserve Program (CRP) is found within the Corridor. The proposed route runs parallel to two areas of CRP in Sections 13 and 14, Township 143 North, Range 57 West (Figure 3). However, the route will be microsited to avoid impacts to

these areas of CRP. See Section II.D.3.b(1) of the Certificate of Corridor Compatibility.

- (2) Designated or registered state: wild, scenic or recreational rivers; game refuges; game management areas; management areas; forests; forest management lands; and grasslands.**

None of these areas are located along the proposed route. See Section II.D.3.b(2) of the Certificate of Corridor Compatibility.

- (3) Historical resources which are not specifically designated as exclusion or avoidance areas.**

None located along the proposed route. See Section II.D.3.b(3) of the Certificate of Corridor Compatibility.

- (4) Areas which are geologically unstable.**

None are located along the proposed route. See Section II.D.3.b(4) of the Certificate of Corridor Compatibility.

- (5) Within five hundred feet [152.4 meters] of a residence, school, or place of business. This criterion shall not apply to a water pipeline transmission facility.**

Eight farmsteads, six occupied and two abandoned are located within the proposed Corridor. Locations of these structures are depicted on Figure 3. Ashtabula Wind will work with landowners to avoid placing towers within 500 feet of active residences. See Section II.D.3.b(5) of the Certificate of Corridor Compatibility.

- (6) Reservoirs and municipal water supplies.**

Surface water accounts for approximately 134 acres of the Corridor. The transmission line route will be microsited to avoid surface water. See Section II.D.3.b(6) of the Certificate of Corridor Compatibility.

- (7) Water sources for organized rural water districts.**

There are no rural water districts within the proposed Corridor (or route). See Section II.D.3.b(7) of the Certificate of Corridor Compatibility.

- (8) Irrigated Land**

According to the North Dakota State Water Commission, Water Permit Retrieval System, there is one property with an irrigation permit near the termination point of the transmission line. However, it is located north of the proposed transmission line route. See Section II.D.3.b(8) of the Certificate of Corridor Compatibility.

- (9) Areas of recreational significance which are not designated as exclusion areas.**

Lake Ashtabula is located two and one half miles west of the proposed corridor and provides recreation for residents and visitors. Impacts to recreation will be

visual in nature. See Section II.D.3.b(9) of the Certificate of Corridor Compatibility.

c. Selection Criteria

(1) The impact upon agriculture:

a) Agricultural production.

A relatively small amount of agricultural land may be removed from production during construction of the facility. However, long-term impacts are expected to be minimal. See Section II.D.3.c(1)(a) of the Certificate of Corridor Compatibility.

b) Family farms and ranches.

The main impact to family farms and ranches would be temporary and minimal disturbance to pastureland and hay land as noted above. Landowners will be compensated through an easement payment for any potential loss of land and crop production. See Section II.D.3.c(1)(b) of the Certificate of Corridor Compatibility.

c) Land which the owner can demonstrate has soil, topography, drainage, and an available water supply that cause the land to be economically suitable for irrigation.

Ashtabula Wind is not aware of any land that is planned for irrigation within the proposed Corridor. See Section II.D.3.c(1)(c) of the Certificate of Corridor Compatibility.

(2) The impact upon:

d) Noise-sensitive land uses

Noise-sensitive land uses along the route include residences. See Section II.D.3.c(2)(a) of the Certificate of Corridor Compatibility.

e) The visual effect on the adjacent area

The proposed facility will be visible to landowners and community residents who live near the proposed facility. See Section II.D.3.c(2)(b) of the Certificate of Corridor Compatibility.

f) Extractive and storage resources

No extractive and storage resources have been identified within the proposed Corridor (or route). See Section II.D.3.c(2)(c) of the Certificate of Corridor Compatibility.

g) Wetlands, woodlands, and wooded areas

Wetlands occur along the proposed route. See Section II.D.3.c(2)(d) of the Certificate of Corridor Compatibility (Figures 3 and 4).

h) Radio and television reception, and other communication or electronic control facilities

No adverse impacts are anticipated (Figure 4). See Section II.D.3.c(2)(e) of the Certificate of Corridor Compatibility.

i) Human health and safety

The proposed facility will be constructed to meet or exceed the standards of the National Electrical Safety Code. Also, Ashtabula Wind will follow “prudent avoidance” methods to EMF exposure, such as encouraging conservation, encouraging distributed generation, and continue to monitor EMF research. See Section II.D.3.c(2)(f) of the Certificate of Corridor Compatibility.

j) Animal health and safety

Livestock impacts will be avoided as discussed in Section II.D.3.c.1 of the Certificate of Corridor Compatibility.

k) Plant life

Ashtabula Wind will avoid existing trees and shrubs as practicable. Ashtabula Wind will use BMPs during construction and operation to minimize impacts. If impacts to trees or shrubs cannot be avoided, the individual trees or shrubs will be replaced. Temporarily disturbed areas will be reseeded per USFWS and NRCS recommendations. See Section II.D.3.c(2)(h) of the Certificate of Corridor Compatibility.

d. Policy Criteria

See Section II.D.3.d of the Certificate of Corridor Compatibility.

e. Summary of Criteria in Proposed Corridor and Route

See Section II.D.3.e of the Certificate of Corridor Compatibility.

f. Design and Construction Limitations

See Section II.D.3.f of the Certificate of Corridor Compatibility.

g. Economic Considerations

See Section II.D.3.g of the Certificate of Corridor Compatibility.

6. Environmental Impacts and Mitigation

Discuss the mitigative measures that will be taken to minimize adverse impacts which result from the location, construction, and operation of the facility.

This section summarizes potential environmental impacts of the proposed facility, especially those that are not covered in the above listed criteria, and details mitigation measures.

a. Physical Environment

(1) Topography and geology

Topography and geology will not be affected along the route.

(2) Mineable Resources

There are no active sand or gravel pits along the route. Also, there are no known plans for mine development along the proposed route.

(3) Water Resources

Ashtabula Wind will follow construction guidelines and recommendations of the Department of Health. This includes the use of mesh or burlap to hold soil during construction; establishing vegetative cover on disturbed or newly constructed areas; and following safe storage and handling procedures to prevent contamination of water from fuel spillage, lubricants, and chemicals.

(4) Soils

To minimize the amount of soil compaction during construction, access roads will be kept to the minimum necessary for construction equipment. When soils are exposed, Ashtabula Wind will employ appropriate erosion control measures. Practices will include placement of sediment barriers downstream of construction and revegetation as soon as possible after construction. Compaction will be alleviated by tilling as necessary following construction. However, such measures are not expected to be necessary to reestablish vegetation.

(5) Atmospheric Conditions

There are two potential atmospheric impacts from the proposed facility construction: 1) excess dust from construction, and 2) noise. Dust levels will be monitored during the construction process and if excess dust is noted, water will be sprayed to suppress it. Also, ensuring that heavy equipment has proper muffling systems will minimize noise during construction.

b. Biological Environment

(1) Vegetation

The Corridor is located in the Northern Glaciated Plains ecoregion and is characterized by a flat to gently rolling landscape composed of glacial drift. High

concentrations of temporary and seasonal wetlands create favorable conditions for duck nesting and migration. Though the soil is very fertile, agricultural success is subject to annual climatic fluctuation. On the Drift Plains, the retreating Wisconsinian glaciers left a subtle, undulating topography and a thick mantle of glacial till. Because of the productive soil and level topography, this ecoregion is almost entirely cultivated, with many wetlands drained or simply tilled and planted. However, valuable waterfowl habitat still remains, concentrated in State and Federally sponsored duck production areas. Historic grassland on the Drift Plains was a transitional mix of tallgrass and shortgrass prairie. The prairie grasses have been largely replaced by fields of spring wheat, barley, sunflowers, and alfalfa (NPWRC, 2006).

Plant communities within the vicinity of the Corridor are typical of former grassland prairies that have been converted into agricultural lands. Historically, plant communities consisted of mixed bluestem-needlegrass-wheatgrass prairie with patches of shrubland and green ash (*Fraxinus pennsylvanica*), burr oak (*Quercus macrocarpa*), and other deciduous woodlands.

The Corridor contains significant amounts of agriculture. Construction of the transmission line will result in some temporary effects to native and non-native grasslands. Where disturbance is significant, effects can be mitigated by reseeding of the trenched areas with native grasses and legumes following completion of construction activities.

Ashtabula Wind will work closely with the USFWS and NDGFD during micro-siting to minimize impacts to vegetation within the Corridor. Ashtabula Wind will conduct a pre-construction inventory of existing wetlands. The pre-construction inventories will have varying levels of detail with the most specific detail in the vicinity of construction. These pre-construction inventory reports have been filed with the PSC as part of this application and applicable agencies prior to construction. Ashtabula Wind will avoid impacts to USFWS WPAs and work with the USFWS to avoid or minimize impacts to wetlands and native grasslands within USFWS easements. Ashtabula Wind will work to avoid and to minimize impacts to existing trees and shrubs.

If impacts are proposed within USFWS wetland easements, then the USFWS will perform a compatibility analysis and, if acceptable, issue a Special Use (temporary impact) or ROW Permit (permanent impact). Ashtabula Wind will follow permit conditions for site restoration and replacement. When boring for any underground utilities beneath wetlands within USFWS wetland easements, Ashtabula Wind will request a letter of authorization from the USFWS.

Ashtabula Wind will use BMPs during construction and operation of the transmission line to protect topsoil and adjacent resources and to minimize soil erosion. Practices may include containing excavated material, protecting exposed soil, stabilizing restored material, and revegetating rangelands with native species.

(2) Fish and Wildlife

Wildlife in the vicinity of the Corridor consists of birds, mammals, fish, reptiles, amphibians, and insects, both resident and migratory, which utilize the project site habitat for forage, migratory stopover, breeding and/or shelter. Species present in the vicinity are associated with agricultural fields, pasture grasslands, and wetland areas. Common mammals in the vicinity include raccoon (*Procyon lotor*), mink (*Mustela vison*), spotted skunk (*Spilogale putorius*), weasel (*Mustela nivalis*), white-tailed deer (*Odocoileus virginianus*), moose (*Alces alces*), coyote (*Canis latrans*), red fox (*Vulpes vulpes*), badger (*Taxidea taxus*), porcupine (*Erethizon dorsatum*), and cottontail rabbit (*Sylvilagus floridanus*). Table 9 presents a list of the avian species observed in the vicinity of the Corridor during a site visit in August 2007.

Raptors

Raptors are killed by impacts with wind turbines proportionally more often than other types of birds, and are therefore a concern at wind farm sites (Lowitz and Cleveland, 2007). The mosaic of tree patches throughout the vicinity of the Corridor could provide good roosting and perching habitat for raptors. Based on the available cover present within the vicinity, prey densities are expected to be the highest in unfragmented areas of native grassland and large wetland areas. However, cropped areas may also be attractive to rodent prey species utilizing waste grain as a food resource. Raptors observed during the site visit include red-tailed hawks, Swainson's hawks, and northern harriers. Swainson's hawk and northern harriers are a conservation priority at the North Dakota state level.

Bats

According to the agency response letters and information available on their websites, there are no federally listed bat species or State listed bat Species of Conservation Priority within Barnes County, North Dakota (Dyke, 2004).

Based on a desktop study, of the 46 bat species in the United States, 10 occur in North Dakota (ASM 2007), of which, three species, the western small-footed myotis (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), and long-legged myotis (*Myotis volans*) are listed by the North Dakota Game and Fish Department as sensitive species (Hagen et al. 2005). The distribution of these species is primarily restricted to the western half of North Dakota (USFWS 1995). While winter hibernacula consists of mines and caves within barren badlands and conifer forests, these species may roost in a variety of substrates in the summer including under peeling tree bark (Hagen et al. 2005). Based on species' distribution maps and the habitat present in the WRA, it is highly unlikely these sensitive species would regularly occur at the project area during the winter or summer seasons. Of the remaining 7 species, six are restricted to the eastern half of North Dakota including areas along the Missouri River (USFWS 1995, Swier 2006, USGS 2007). Threats to these seven species include impacts to woodland roosting habitat and wetlands used for foraging.

Avian Migration and Potential Occurrence in the Project Area

Many species of waterfowl, raptors, shorebirds, and grassland birds are known to migrate through the vicinity of the project area, as North Dakota lies within the Central Flyway. Some of the species observed during a fall 2007 site visit include Canada geese, red-winged blackbirds, tree swallows, double-crested cormorants, barn swallows, and rock pigeons. The likelihood of bird/transmission line interactions is determined by a number of factors including visibility and weather. Inclement weather and low cloud ceilings force migrating birds to fly at lower altitudes, thereby putting them at greater risk for adverse interactions with transmission lines (NWCC, 2004).

Based on the number and diversity of wetlands present, the Corridor could serve as a breeding habitat for large numbers of waterfowl or shorebirds. In addition, hay and grain crops are often utilized by migrating waterfowl and upland bird species as food resources (Cleary, 1994). The plentiful wetland habitat and agricultural fields within the Corridor are an attractant to waterfowl and other migrating birds and may increase the potential for collision with transmission lines.

Construction activities can destroy or disrupt wildlife habitat and allow for the introduction of unwanted plant species. Installation of the transmission lines would result in a temporary loss of wildlife habitat. Displaced wildlife would likely relocate to nearby unaffected areas within the Corridor or vicinity until construction activities have been completed. In areas where disturbance is significant and natural regeneration of onsite plant propagules would not occur, the temporary loss of habitat may be mitigated by reseeded of the affected areas with native prairie plant species.

The impact of the project on wildlife is thought to be minimal (TtEC 2007). Ashtabula Wind will implement measures to avoid and minimize effects to wildlife at the proposed site by siting facilities away from wetlands and woodlands and burying overhead power lines, to the extent possible. Based on bat collision studies at other wind farms, there are similar species present in the vicinity of the Corridor that have the potential for collisions with turbines and meteorological towers (Kunz et al. 2007). However, based on the overall lack research pertaining to how preconstruction bat use effects post-construction bat mortality, the relative impact to bat species is unknown.

In order to reduce the potential for adverse effects to raptors within the Corridor and vicinity, USFWS recommends that overhead lines be constructed so that the potential for bird strikes and electrocutions is reduced through implementation of certain established measures (USFWS, 2007). Timing of construction activities should give consideration to the nesting of migratory birds.

Spring surveys will be conducted prior to project development to better document the use of the Corridor and vicinity by breeding bird species, including raptors, bats, and waterfowl. These surveys will also document pre-construction species' presence and

density, and possibly assist in identifying sites with elevated potential for avian/transmission line interactions.

A spring survey for raptor nests will identify sites of elevated bird/transmission line collision risk. Such surveys are best conducted prior to project development if the results are to be used to modify construction plans.

Ashtabula Wind has conducted environmental studies of the Corridor and vicinity to aid in the initial placement of the transmission line in order to avoid or minimize impacts to wildlife and habitat. Also, Ashtabula Wind is coordinating with USFWS and NDGFD regarding avian monitoring and minimization of impacts to WPAs and easement areas. The following measures will be used, to the extent practicable, to help avoid potential impacts to wildlife within the Corridor during selection of the transmission line route and subsequent development and operation:

- Ashtabula Wind proposes avoidance of wetlands to the extent practicable.
- Conduct additional pre-construction avian monitoring at the site. Spring pre-construction avian monitoring protocols are contained in Appendix E.
- Ashtabula Wind will conduct pre-construction inventories of wetlands in the Corridor vicinity to minimize impacts at the site. Initial inventories have been conducted and more detailed inventories will occur once transmission line siting is completed in order to assess the construction zone. These inventory reports will be filed with the PSC and applicable agencies prior to project construction.
- Ashtabula Wind will implement a Wildlife Response Reporting System (WRRS) once transmission line construction is completed. The WRRS will include protocols for field technicians, during routine maintenance operations, to report and document avian mortalities.
- Ashtabula Wind will avoid or minimize disturbance of individual wetlands or drainage systems during construction and operation of the Project.
- Ashtabula Wind will protect existing trees and shrubs where practicable. If impacts are unavoidable, Ashtabula Wind will replace existing trees and shrubs unless directed otherwise by the landowner.
- Ashtabula Wind will maintain sound water and soil conservation practices during construction and operation of the Project to protect topsoil and adjacent resources and to minimize soil erosion. To minimize erosion during and after construction, BMPs for erosion and sediment control (SN 19389 9/99) will be utilized. These practices include, temporary seeding, permanent seeding, mulching, filter strips, erosion blankets, and sod stabilization.
- Ashtabula Wind will revegetate non-cropland and pasture areas with seeding mix as recommended by USFWS and NRCS.
- Ashtabula Wind will inspect and control noxious weeds in the Corridor and vicinity immediately after construction and periodically for the life of the Project.
- Ashtabula Wind is committed to minimizing wildlife impacts within the proposed Corridor. Ashtabula Wind will design their facility to minimize avian

impacts by avoiding high-use wildlife habitat and infrastructure designed to minimize impacts.

(3) Rare and Endangered Species

Federally Listed Species

The Endangered Species Act requires the protection of species which are federally listed as threatened or endangered. Significant changes to the habitats of these species or projects that have the potential to result in “take” would require special permitting from the USFWS. According to the agency response letter from the USFWS, of the federally listed species known to occur within North Dakota, only the whooping crane is known to occur in Barnes County. The bald eagle (*Haliaeetus leucocephalus*) is no longer a federally threatened species. However, it is discussed in this section because it is still protected by the Bald and Golden Eagle Protection Act. It is listed by the state as Level II, which indicates a moderate to high conservation priority (Dyke, 2004; Gomes, no date). Bald eagles have been documented to nest in North Dakota in western Burleigh and southern McLean Counties, along the Missouri River (USFWS, 1995). For breeding, they build large nests in tall trees or other sturdy structures, and are most often found in forested habitats close to water (USFWS, 1995). The USFWS indicates that bald eagles could be present within Barnes County, and their conservation is still emphasized by wildlife agencies.

Whooping cranes (*Grus americana*), spring and fall migrants in North Dakota, were first federally listed as Threatened in 1967 and federally listed as Endangered in 1970 (Canadian Wildlife Service and USFWS 2005). The primary threats to this species include loss of roosting and foraging habitat and collisions with power lines and fences. In North Dakota, whooping cranes have the potential to occur anywhere suitable feeding and roosting habitat is found; however 94% of all documented whooping crane occurrences have been within 200 mile corridor adjacent to the Missouri River (Austin and Richerts 2001). The Ashtabula Project Area is located outside of the 200 mile corridor, thus whooping cranes are thought to have a low likelihood to occur at the Project Area. The attractiveness of an area to migrating whooping cranes will likely be influenced by the amount and configuration of feeding and roosting sites on the landscape. There is a historic observation within 10 miles of the Project Area; however, due to only 6% of observations occurring outside the 200-mile corridor, individuals regularly occurring in this area are highly unlikely.

Native Prairie Habitats

The NDPRD maintains a Natural Heritage Inventory Database (NHID), which is the most complete source of data on North Dakota’s rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features. No plants identified by the NDPRD as being rare are located within the Corridor.

The impact of the project on wildlife is thought to be minimal (TtEC 2007). Ashtabula Wind will implement measures to avoid and minimize effects to wildlife at the proposed site by siting facilities away from wetlands and woodlands and burying

overhead power lines, to the extent possible. Based on bat collision studies at other wind farms, there are similar species present within the Corridor that have the potential for collisions with turbines and meteorological towers (Kunz et al. 2007). However, based on the overall lack research pertaining to how preconstruction bat use effects post-construction bat mortality, the relative impact to bat species is unknown. Based on the location of the Corridor outside the 200-mile corridor and the probability of whooping cranes to occur within the Corridor, impacts to whooping cranes are expected to be low.

No impacts are anticipated to rare and unique resources. Ashtabula Wind will avoid the resources identified to the extent practicable.

c. Cultural Environment

(1) Land Use

The proposed facility will have both short-term and long-term impacts to agricultural land use (see Section II.D.3.c(1) of the Corridor Certificate Application). Short-term impacts will take place during construction. With utilization of proper construction and reclamation methods for cropland, rangeland and hay land, most land use will return to normal. Long-term impacts, if any, will be minimal and are likely only to affect crop and hay land. Landowners will be compensated for these losses.

(2) Agriculture

Because agriculture is the dominant land use in the area, it will be important to monitor any potential impacts. Landowners will be compensated for crops or other assets damaged during construction. The proposed facility should not affect long-term productivity of the soil. The original contours will be maintained to keep existing drainage patterns intact (see Section II.D.3.c(1) of the Corridor Certificate Application).

(3) Community Services

The impact to community services will be as a result of construction activity and influx of contractor employees. Ashtabula's personnel and contractors will be utilized for all construction activities. The communities within the vicinity of the proposed route have sufficient hotels and other services to handle the influx of workers.

(4) Transportation

County and township (section line) roads characterize the existing roadway infrastructure in and around the Corridor Project Area. Additionally, state highway 26 runs through the north portion of the Wind Farm Project Area east to west and state highway 32 is located east of the Wind Farm Project Area and runs north to south. The construction, placement, or maintenance of the proposed facility will temporarily affect transportation on these highways and roads. Ashtabula Wind will coordinate with state, county, and township officials to obtain acceptable crossing design methods and any necessary permits.

During wire stringing operations, temporary guard or clearance poles will be installed over existing distribution or communication lines, streets, roads, highways, railways, or other obstructions after any necessary notifications are made or permits obtained. This ensures that conductors will not obstruct traffic or come into contact with existing energized conductors or other cables, and protects the conductor from damage.

(5) Population and Economy

Ashtabula Wind's employees and contractors will design, construct and maintain the proposed facility. All workers will be either Ashtabula Wind employees or contract employees. It is possible that a contractor may hire a small number of local workers. No additional permanent jobs will be created by this action. The construction activities will provide a seasonal influx of additional dollars into the local communities during the construction phase, and materials will be purchased from local vendors.

(6) Archaeological and Historical Sites

A Class I Cultural Resources Inventory (file search/literature review) has been conducted for the corridor and route (Appendix C). Once weather permits, BCA will perform a Class II/III pedestrian survey to identify cultural resources along a 200-foot corridor along the transmission line route (Appendix E). See Section II.D.3.b(3) of the Certificate of Corridor Compatibility.

7. Qualifications of People Involved in the Facility Route Location Study

See Section II.D.5 of the Certificate of Corridor Compatibility Application.

8. Maps

See Section II.D.2 of the Certificate of Corridor Compatibility Application and the Waiver of Procedures.

REFERENCES

See references section at the end of the Certificate of Corridor Compatibility Application.

DEFINITIONS

See definitions section at the end of the Certificate of Corridor Compatibility Application.

Indexes to Statutory Requirements – *Revision 1*

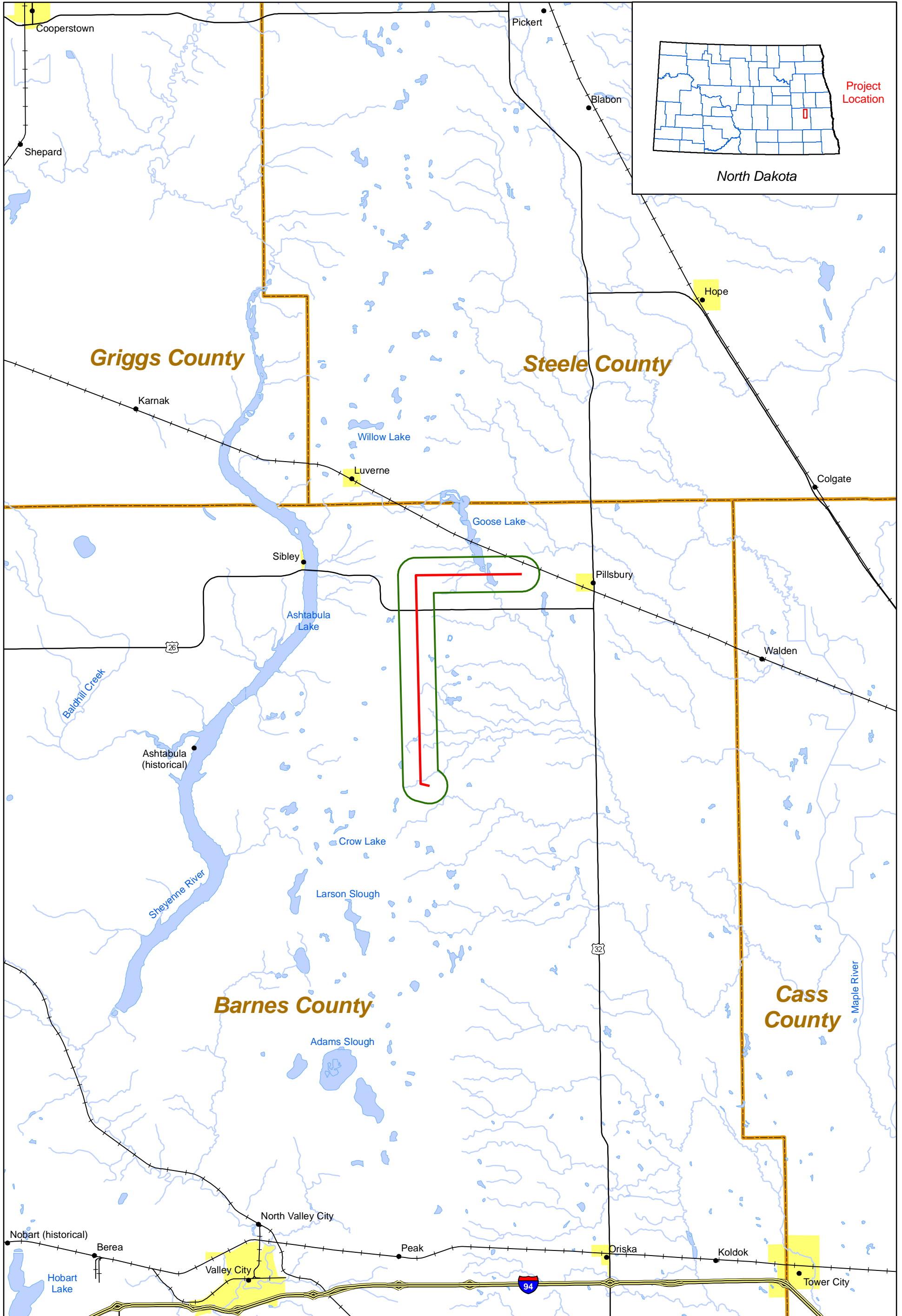
Application for Certificate of Corridor Compatibility
INDEX FOR REQUIREMENTS OF N.D.C.C. §49-22-08

1.
 - a. A description of the size and type of facility.....Section II.A. Corridor Application
 - b. A summary of any studies which have been made of the environmental impact of the facility.....Section II.B. Corridor Application
 - c. A statement explaining the need for the facility.....Section II.C. Corridor Application
 - d. An identification of the location of the preferred site for any energy conversion facility.....NA
 - e. An identification of the location of the preferred corridor for any transmission facility.....Section II.D. Corridor Application and Figures
 - f. A description of the merits and detriments of any location identified, and a comprehensive analysis with supporting data showing the reasons why the preferred location is best suited for the facility.....Section II.D. Corridor Application
 - g. A description of the mitigative measures that will be taken to minimize all foreseen adverse impact resulting from location, construction, and operation of the proposed facility.....Section II.B.6. Corridor Application
 - h. An evaluation of the proposed site or corridor with regard to the application considerations set out in §49-22-09.....Section II.D.1. Corridor Application and the criteria established pursuant to §49-22-05.01.....Section II.D.3. Corridor Application
 - i. Such other information as the applicant may consider relevant or the commission may require.....Throughout Applications

Application for Route Permit
INDEX FOR REQUIREMENTS OF N.D.C.C. §49-22-08.1, SECTION 1

- a. A description of the type, size and design of the facility.....Section II.A. Corridor Application
- b. Description of the location of the proposed facility.....Section II.B. Route Application
- c. An evaluation of the proposed route with regard to the application considerations set out in §49-22-09.....Section II.B.2. Route Application and the criteria established pursuant to §49-22-05.01.....Section II.D.3. Corridor Application
- d. A description of the mitigative measures that will be taken to minimize all foreseen adverse impact resulting from location, construction, and operation of the proposed facility.....Section II.B.6. Route Application
- e. A description of the right-of-way preparation and construction and reclamation procedures.....Section II.A.5. Route Application
- f. A statement setting forth the manner in which:
(1) the Utility will inform affected landowners of easement acquisition, and necessary easement conditions and restrictions. (2) The Utility will compensate the landowners for easements, without reference to the actual consideration to be paid.....Section II.A.6. Route Application
- g. Such other information as the applicant may consider relevant or the commission may require.....Throughout Applications

FIGURES – *Revision 1*



March 2008

Figure #1 - Rev. 1

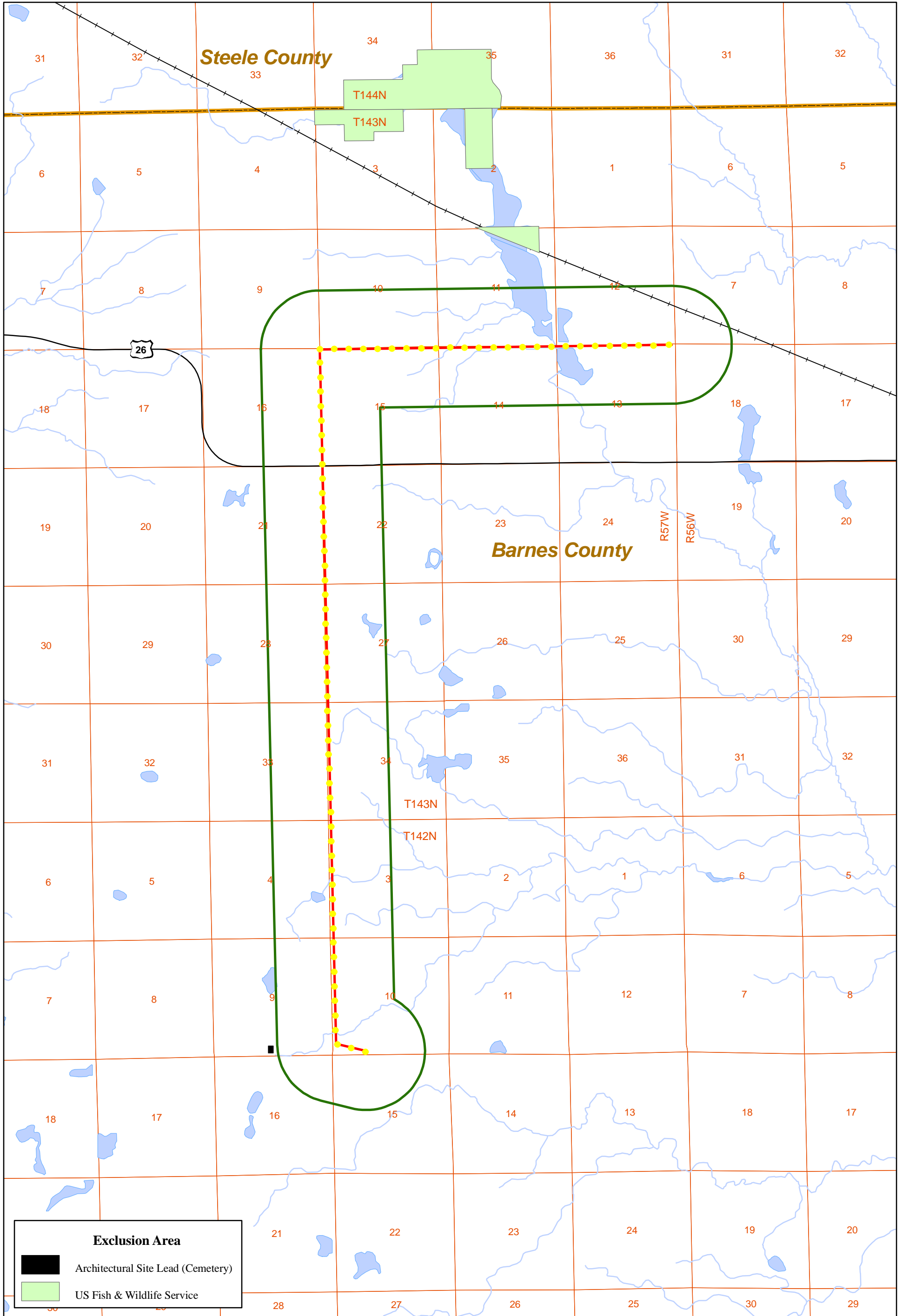
General Location Map and Study Area
Ashtabula Wind Farm - Electrical Transmission Line
Barnes County, North Dakota



Scale = 1:160,000



- Cities and Towns
- Proposed Transmission Line (2-19-08)
- ▭ Study Area
- ▭ County Lines

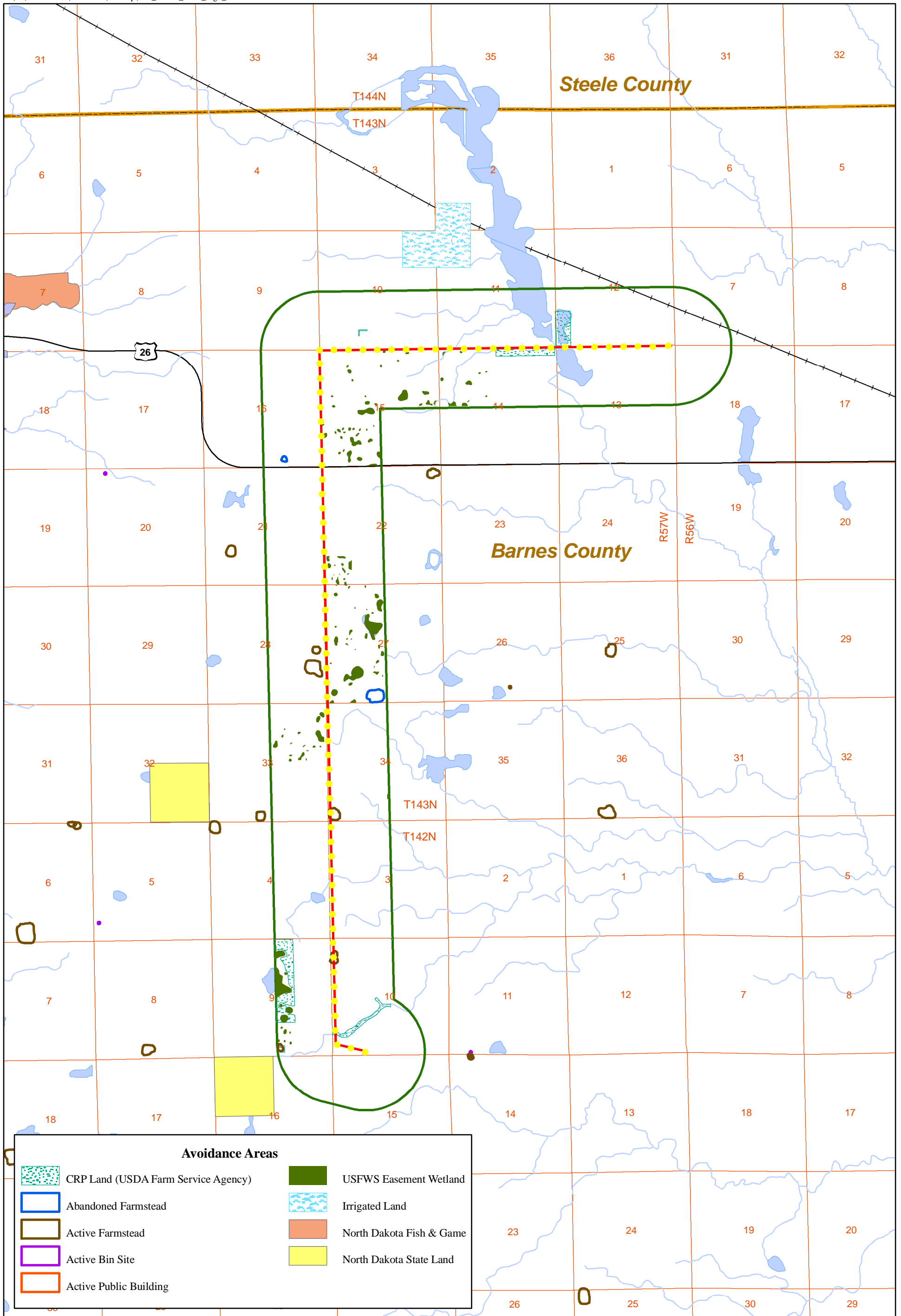


March 2008

Figure #2 - Rev. 1

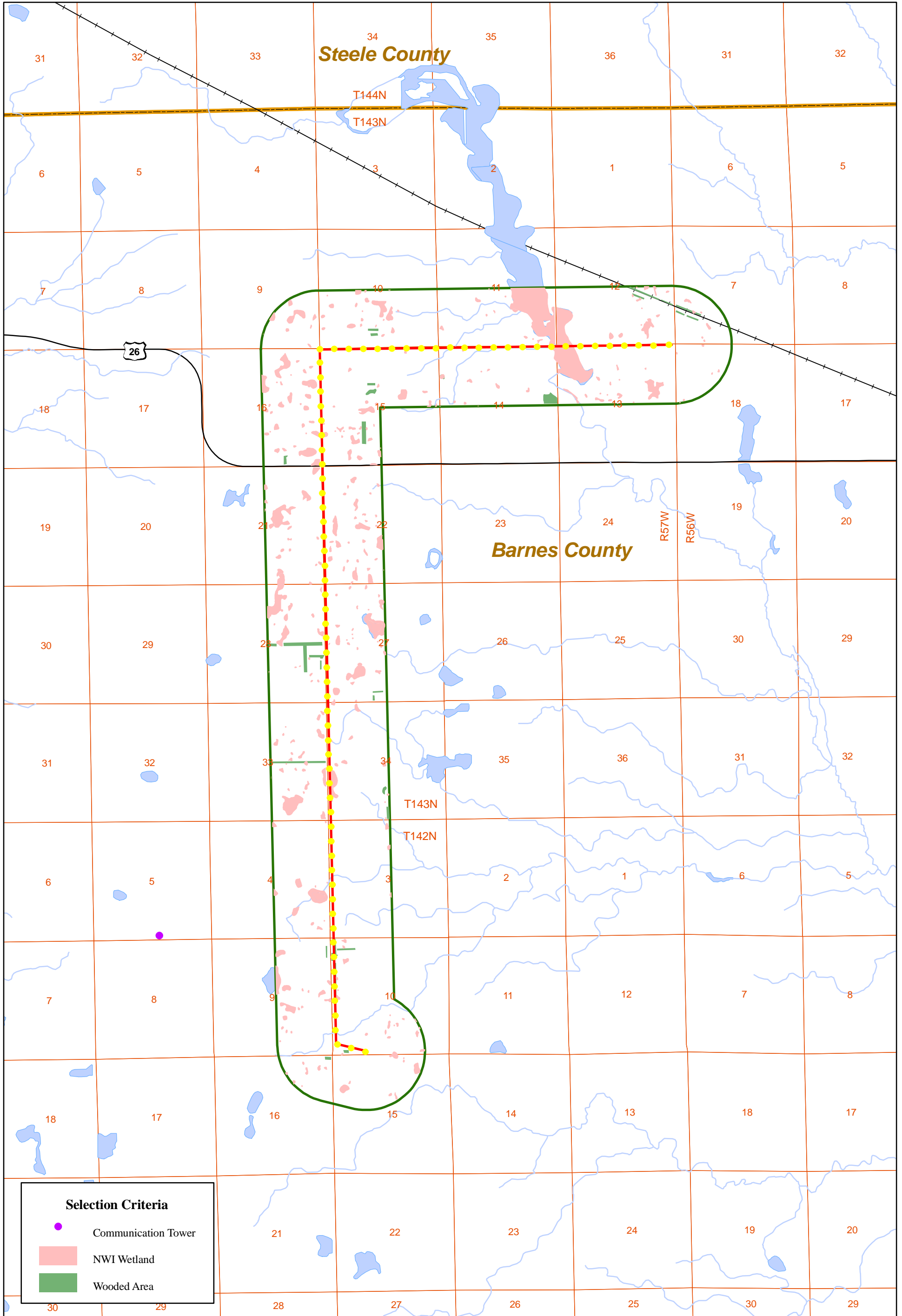
Exclusion Areas
Ashtabula Wind Farm - Electrical Transmission Line
Barnes County, North Dakota





Avoidance Areas	
	CRP Land (USDA Farm Service Agency)
	Abandoned Farmstead
	Active Farmstead
	Active Bin Site
	Active Public Building
	USFWS Easement Wetland
	Irrigated Land
	North Dakota Fish & Game
	North Dakota State Land





March 2008

Figure #4 - Rev. 1

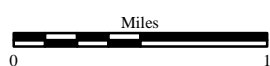
Selection Criteria
Ashtabula Wind Farm - Electrical Transmission Line
Barnes County, North Dakota



TETRA TECH EC, INC.



Scale = 1:48,000



Transmission Pole



Transmission Line (2-19-08)



Transmission Line Corridor (1 Mile)

APPENDIX A
ASHTABULA WIND: *A Commitment to the Future*

A Commitment to the Future

Children are our future. The faces of our own employees' boys and girls are symbolic of FPL Group's commitment to sustainability as a framework for leading and managing the company's long-term success.

- A Message from the Chairman
- Profile
- Economic Accountability
- Environmental Stewardship
- Social Responsibilities

At FPL Group, one of the ways we've chosen to manage and measure our progress is by employing the concept of "sustainability." At its core, sustainability requires demonstrated attention to, and excellence in, three key areas: economic accountability, environmental stewardship and social responsibility. Following is a review of many of our strengths, activities and strategies, using the three elements of this sustainability concept as a framework.

We welcome your comments on this report and your thoughts on how we can continue our commitment to excellence in all aspects of our operation. Please e-mail your feedback.

A Message from the Chairman

The essence of a company's success is to achieve and sustain excellence in all aspects of its business. This is frequently referred to in today's corporate world as "sustainability," and it is a concept that we have strongly embraced at FPL Group for some time.

At its core, sustainability focuses on three key areas – the so-called "triple bottom line" that is the framework for reporting our performance against economic accountability, environmental stewardship and social responsibility.

More broadly, sustainability reflects our company's purpose, values and long-term approach to business. It requires us to take into account in our decision-making processes the needs of all our stakeholders – shareholders, customers, employees, business partners, governments, local communities and the public.

Under the umbrella of sustainability, we've shown that strong commitments to the environment and to the communities we serve are consistent with achieving outstanding operating and financial results.

By carefully balancing economic, environmental and social factors – and integrating them into our strategies and operations – we are working to make FPL Group a stronger, better and more responsible company.

Lew Hay, III

Chairman, President and Chief Executive Officer

Profile

FPL Group, Inc. is one of the nation's largest providers of electricity-related services and is nationally known as a high-quality, efficient and customer-driven organization. Its principal subsidiary, Florida Power & Light Company, serves more than 8 million people along the eastern seaboard and southern portion of Florida. FPL Energy, LLC, FPL Group's wholesale generation subsidiary, is a leader in producing electricity from clean and renewable fuels. Together, FPL's and FPL Energy's generating assets represent more than 30,000 megawatts of capacity. FPL FiberNet provides wholesale fiber-optic services and fiber-optic cable to Internet service providers and telecommunications companies in Florida.

Economic Accountability

FPL Group is highly regarded for its solid financial position, which is supported by a strong balance sheet, good cash flow, a balanced portfolio, excellent credit ratings and a disciplined approach to deploying capital.

Our financial strength sets us apart from many of our peers and provides a competitive advantage. With regard to the company's economic accountability, two characteristics stand out as integral to our success.

First, we have a strong commitment to integrity, personal accountability and openness, and this is supported by our outstanding record in corporate governance.

Second, there is throughout our company a deeply ingrained drive for continuous improvement and operational excellence.

FPL Group

Continuing to Perform Well

Today's dynamic electric industry is one of ongoing challenge and opportunity. Changes in customer preferences, regulation, industry structure and technology — to name just a few areas where transformation is occurring — call for innovative strategies, teamwork and sound execution.

Amidst this dynamic market environment, FPL Group recorded another year of outstanding performance.

- FPL Group generated an impressive 18.7 percent total shareholder return in 2004. In addition, we have outperformed our peers and industry over the last three-year and five-year periods.
- Net income, using generally accepted accounting principles, was \$887 million or \$2.45* per share in 2004, compared with \$890 million or \$2.50* per share in 2003. Notably, we estimate that the hurricanes had a negative 7 cents* per share impact on earnings.
- FPL Group's adjusted net income, which excludes the net unrealized mark-to-market effect associated with non-qualifying hedges and, in 2003, the cumulative effect of a change in accounting principle at FPL Energy (FIN 46), was \$890 million or \$2.46* per share in 2004, compared with \$871 million or \$2.45* per share in 2003. (See Financial Highlights for a reconciliation of net income to adjusted earnings and earnings per share to adjusted earnings per share).
- As anticipated, 2004 saw our free cash flow profile shift to positive. Considering the negative impact of the hurricanes of 2004, the company considers this a great achievement. Moreover, this trend was an important factor in the Board's decision to make a mid-year adjustment to our dividend. Combined with the February 2004 increase, the July 2004 increase provided a 13 percent increase in the quarterly dividend. Our dividend payout ratio and yield are now more in line with some of our peers while still providing us financial flexibility to invest in profitable growth opportunities.

Business Review and 2004 Performance

Both of our businesses have unique strengths and had outstanding years in 2004.

- Florida Power & Light Company is one of America's largest and best performing electric companies. With more than 4.2 million customers, FPL continued during 2004 to benefit from rates of growth in our customer base that are among the highest of any large electric company. Beyond restoring electric service and rebuilding portions of our electric system in the wake of Hurricanes Charley, Frances and Jeanne, FPL in 2004 continued the historical outstanding operational and cost performance that places us among the best in our industry.
- FPL Energy is a disciplined wholesale generator and a leading clean energy provider. During 2004, we continued to build on our strength as a low-cost provider, maintained operational excellence, optimized our asset portfolio, leveraged our position as the U.S. market leader by a large margin in wind power generation and continued carefully managing all forms of risk. We continued our pattern of strong earnings (despite a major contract restructuring described in more detail in the FPL Energy section), and over the last five years we have achieved average annual growth in adjusted earnings per share at FPL Energy of approximately 23 percent (see Financial and Operating Statistics for reconciliation of earnings per share to adjusted earnings per share).

Key Corporate Attributes and 2005 Outlook

A number of key attributes continue to form the cornerstones of FPL Group's success and provide reason for continued confidence in our prospects for 2005 and beyond.

- We continue to maintain financial strength, flexibility and discipline — hallmarks of this company for many years. Our credit ratings are among the best in our industry when compared to other large electric power companies.
- We have long been committed to integrity and accountability in all aspects of our business. Most recently, for example, in compliance with the Sarbanes-Oxley Act we have undergone a comprehensive assessment and testing of our internal controls to ensure their effectiveness. Taken together, in fact, our corporate governance practices continue to be rated among the best in industry by third-party observers.
- We have a demonstrated track record of strong performance. Our earnings growth has been steady, and our operating performance on a variety of metrics is among the best in our industry.
- We are a clean energy company and are committed to continued success in managing our operations with sensitivity to the environment. This could be a major competitive advantage for us in the future, especially if new environmental laws are enacted that recognize the investments FPL Group has already made in clean and renewable energy relative to many of our peers.
- Going forward, we have attractive growth prospects. We expect continued growth in customers and usage at FPL, in our U.S. market-leading wind generation business at FPL Energy and in other areas served by FPL Energy as certain wholesale power markets continue to recover.
- All this adds up to projected earnings per share in 2005, after the effect of the two-for-one stock split, of \$2.50 to \$2.60 (see also **2005 Projected Earnings per Share Contribution**).

*Note: Per share information reflects the effect of the two-for-one stock split, effective March 15, 2005, of FPL Group's common stock.

Financial Highlights

Florida Power & Light Serving a Fast-growing State

During an extraordinary year, Florida Power & Light Company demonstrated once again why it is so widely regarded as one of the nation's outstanding electric companies.

Despite an unprecedented series of devastating hurricanes that swept through its service area (see Restoring Power, Restoring Lives), FPL continued to achieve the high levels of performance that are a hallmark of the organization. At the same time, the ongoing customer growth that has set the utility apart from virtually all of its peers — and made it one of America's largest providers of electricity — continued to accelerate.

FPL added an average of 107,000 new customer accounts in 2004, the most since the late 1980s and a 2.6 percent increase over the previous year. Although the hurricanes clearly had a dampening impact on customer growth during the later part of the year, the company is optimistic that the effect will be moderate and not affect long-term growth. Florida's population continues to increase at a greater rate than any other large state.

In addition, Florida created the most jobs in the nation in 2004. Although the state's population is 6 percent of the nation's population, it created 12 percent of the new jobs during the year.

Since the beginning of 2002, the year in which FPL's current rate agreement went into effect, FPL has increased its electric generating capacity by more than 2,300 megawatts, at a cost of over \$1.2 billion, and invested more than \$1.9 billion in power delivery facilities. This has allowed the company to meet the energy demands of nearly 300,000 additional customer accounts while maintaining an adequate reserve margin for all FPL customers.

In 2004, expansion projects at FPL's Martin and Manatee power plants continued on track for completion later this year, adding 1,900 megawatts of generating capacity, or enough power to serve about 400,000 customers.

The company also received approvals to build a 1,150-megawatt natural gas-fired power unit at its existing Turkey Point site south of Miami. This will help FPL meet the rapidly increasing demand for electricity in Southeast Florida. Construction began in March 2005 with a projected 2007 completion. Beyond that date, growth forecasts indicate that FPL will need to add the equivalent of three 1,150-megawatt power plants over the next five years.

Growth, Higher Costs Drive FPL to Seek Increase in Base Rates

Continued and long-term growth in FPL's service area will require not only extensive investments in new generation, but in the utility's power delivery system as well. Siting new plants and gaining approvals for additional transmission routes, particularly in well-established and highly populated areas, will present challenges.

Generating resources are currently being added at three times the rate of previous years, and capital expenditures for power delivery are expected to average approximately \$700 million a year going forward. In addition, although its costs are significantly below the industry average, the company is facing higher operating costs and making significant investments to maintain its nuclear units in top shape.

FPL's revenue sharing agreement with the Florida Public Service Commission ends Dec. 31, 2005. In January 2005, the company notified the Commission that it intends to seek an increase in its retail base rates and initiate what would be — barring a negotiated settlement — its first full base rate case since 1984. During the rate case, the PSC staff and commissioners will examine in depth FPL's operations and revenue needs. A final

decision on FPL's request for a base rate increase is expected in November 2005. If approved, it would be the first increase in FPL's base rates in more than 20 years.

The current residential base rate is 16 percent lower than when base rates were last increased in 1985. Since that time, FPL has added approximately 1.6 million customers and spent more than \$17 billion in capital investments. Since 1999, base rates have been reduced twice, providing savings to customers totaling nearly \$4 billion, including revenue sharing refunds. The reductions were possible due largely to FPL's increased productivity and more efficient operations, which has allowed the utility to establish itself as a low-cost provider of high quality electric service.

*Represents compound annual growth rate through periods shown. Industry source: Energy Information Administration

FPL's successful cost-management efforts have enabled it to maintain costs well below the industry average. In 2004, even as expenses continued to rise in such areas as insurance and security requirements, the company's operating and maintenance (O&M) costs of 1.24 cents per retail kilowatt-hour were slightly lower than the previous year and were approximately 31 percent below the industry average. Over the next several years, however, FPL expects increased upward pressures on O&M expenses, along with smaller incremental gains in productivity, while customer growth and energy usage continue to rise.

As a result, after many years, FPL believes an increase in retail base rates now is necessary to ensure that it can continue to provide reliable, cost-effective electric service at levels its customers have come to expect and that are consistent with the company's past record of performance.

FPL Energy A Leading Clean Energy Provider

FPL Energy, the wholesale generating subsidiary of FPL Group with a growing presence in 24 states and more than 11,500 megawatts of generation assets in operation, experienced an exceptional year in 2004. By continuing to maximize the value of existing assets and capitalizing on its U.S. market-leading wind portfolio, the company further strengthened its position as one of the nation's leading low-cost wholesale energy providers.

Despite less than favorable conditions in the wholesale energy sector, FPL Energy has achieved average annual growth in its contribution to adjusted earnings per share of approximately 23 percent over the past five years. (See Financial and Operating Statistics for reconciliation of earnings per share to adjusted earnings per share.) During this time, the company has successfully added to its asset base and expanded its capabilities, while at the same time effectively managing risk.

In 2004, FPL Energy benefited from the integration of approximately 1,000 megawatts of wind projects placed into service in 2003. Other factors contributing to the company's performance included improved wholesale market conditions in New England and the absence of an outage at Seabrook. Losses from restructuring activities and higher interest expense negatively impacted FPL Energy's results.

Because of the above-listed factors, FPL Energy was able to take important strategic actions in 2004 that, while collectively having a negative impact on short-term financial results, will benefit the company and FPL Group shareholders in the longer term. As a result, the company's reported financial results obscured to some degree what was perhaps its best year ever. In addition, FPL Energy's performance was stronger than may be apparent because it was achieved despite a year of below-average wind resources, which negatively impacts the performance of its wind fleet.

Foremost among the items affecting FPL Energy's reported earnings was the restructuring of a steam contract related to the Marcus Hook power facility in Pennsylvania, which resulted in a charge against earnings of \$48 million after tax. The transaction is expected to improve both cash flow and net income going forward. The 744-megawatt plant, which entered service at the end of 2004, was the company's last fossil-fueled merchant facility under construction.

FPL Energy has a proven record of accomplishment in contract restructurings and, as market conditions change, it seeks out opportunities to modify or restructure existing power sales or fuel contracts. In 2004, the restructuring of a power and gas contract allowed FPL Energy to reduce operating costs. This is expected to provide the company with significant positive financial benefits for many years to come.

*Per share information reflects the effect of the two-for-one stock split, effective March 15, 2005, of FPL Group's common stock. See Financial and Operating Statistics for reconciliation of earnings per share to adjusted earnings per share. Effective portfolio management and a continuous evaluation of assets also are important factors in FPL Energy's success. This was reflected in 2004 with the sale of the company's 50 percent interest in the 566-megawatt Bastrop Energy Center in Texas and a waste wood power facility in Virginia.

FPL Energy further solidified its position as one of America's leading clean energy providers in January 2005 with the purchase of a 45 percent ownership interest in 150 megawatts of solar power generation in California. The acquisition makes FPL Energy the largest generator of solar power in the U.S. with 310 megawatts.

Power Marketing Grows Business

Adding to its outstanding operating performance, FPL Energy continued to expand its capabilities and product offerings to customers in 2004, allowing it to open up new markets and generate new sources of revenue. One of the growth areas for power

marketing is “load-following” sales, in which FPL Energy is responsible for meeting the hourly variation in energy demands. After developing its load-following capability in the Northeast, FPL Energy applied its load-following expertise to the Texas market in 2004.

FPL Energy also continued to successfully hedge against commodity price fluctuations. The company’s objective is to have roughly 75 percent of capacity hedged for the next 12 months. At the end of 2004, approximately 78 percent of FPL Energy’s entire portfolio was hedged. More than 85 percent of the company’s expected gross margin from its wholesale generation fleet is now protected against fuel and power market volatility.

FPL Energy’s keys to success for 2005 and beyond are to continue to grow its wind business and remain a low-cost provider, while maintaining its world-class operational performance. In addition, the company remains focused on further optimizing its merchant portfolio and managing effectively, on a daily basis, the risks in its business.

Financial and Operating Statistics

Financial Statements

Underlying the business operations at FPL Group is a solid financial position. The company maintains a strong balance sheet, good cash flow and a disciplined approach to deploying capital.

Credit Ratings

FPL Group’s credit ratings are among the best in its industry when compared to other large electric power companies.

Management’s Report on Internal Controls over Financial Reporting

Governance

Our corporate governance practices continue to be rated among the best in the industry by third-party observers:

Institutional Shareholder Services, a leading independent appraiser of corporate governance, ranked FPL Group in the top 20 percent both in our industry and in the S&P 500.

Another rating organization, GovernanceMetrics International, ranked FPL Group well above average in corporate governance with a score of 9.0 out of 10 possible points, again placing us well above average as compared to other U.S. companies and better than most energy producers. Our goal is to raise the bar even further.

- Chairman’s Statement
- Principles and Guidelines

- Officers
- Board Structure
- Directors & Officers Stock Ownership

Policies

- Bylaws
- Articles of Incorporation
- Certifications
- Code of Ethics for Senior Executives and Financial Officers
- Code of Business Conduct and Ethics
- Securities Trading by Company Personnel
- Stock Ownership by Officers

Committee Charters

- Audit
- Compensation
- Governance & Nominating
- Finance & Investment

Investors

- Financial News
- Presentations
- Financial Reports
- Quarterly Reports
- SEC Filings
- Dividend History
- Fundamentals
- Event Calendar
- Analyst Coverage
- Printed Materials

Sarbanes-Oxley Act

A major aspect of corporate governance activities involves implementing the Sarbanes-Oxley Act. This legislation is part of the government's response to the scandals and mismanagement uncovered at Enron, World Com and other companies over the past few years.

Although FPL Group voluntarily adhered to the spirit of Sarbanes-Oxley long before it and other new federal policies requiring specific compliance actions went into effect, the company nonetheless took action as required by the new laws.

Under what is known as “Section 404” of the Act, we performed a very careful and comprehensive examination of our underlying controls processes and objectives and completed documentation of our processes. This initiative confirmed our belief that we have excellent management controls in place at FPL Group.

Section 302 of Sarbanes-Oxley deals with personal accountability and holds senior officers responsible for the completeness and accuracy of financial information. Since 2002, FPL Group’s chairman and the chief financial officer have personally certified the completeness and accuracy of our annual and quarterly reports. Additionally, each of our business unit leaders signs the same certifications.

Commitment to Quality

FPL Group is widely regarded as a high performance organization with a commitment to quality and continuous improvement that is deeply ingrained in our company’s culture. As a result, we are among the top performers in key industry metrics.

This is reflected by our superior results in such divergent and critical areas as power plant availability, electricity reliability, operating and maintenance costs, and employee safety.

For example, FPL Group's "best practices" approach has led to its industry-leading positions in power plant availability – among the highest in the industry; our fossil-fuel plant availability stood at 93.7 percent in 2004, our wind facilities at more than 97 percent, and our nuclear facilities at 99 percent, well above the industry average – and cost containment – operating and maintenance expenses as measured in dollars per customer remained at 42 percent below the industry average. This expertise is shared among FPL Group facilities in Florida (where they are part of a regulated utility) and facilities operated by FPL Energy in other parts of the country.

In addition, since launching an aggressive program in 1997 to improve electric reliability, FPL has achieved outstanding results. The annual average amount of time customers are without power has been reduced by nearly 50 percent, and the frequency and duration of outages have declined as well. Excluding hurricane-related outages, the average number of minutes that FPL customers were without power during 2004 was about half that of the most recent industry average.

By regularly benchmarking our processes and performances against the best of our peers, we are able to identify opportunities in these and other important areas for additional improvements and to further improve our bottom line.

The company’s quality “roots” date back to the early 1980s and the establishment of quality improvement teams. In the mid-80s, a total quality management system based on the TQM practiced in Japan was implemented company wide. Because of this innovative program, FPL was awarded the prestigious Deming Prize in 1989, the first company outside of Japan ever to be so honored by the Union of Japanese Scientists and Engineers.

Learn more about FPL Group's quality commitment by visiting the topics in the list below.

- Current Quality Practices
- Quality Awards and Recognition
- The James L. Broadhead Award
- Benchmarking Opportunities

Clean energy is a focus of our business strategy. The vast majority of the power we generate is derived from clean and renewable fuels. In fact, we're the world leader in wind power, and we continue to invest in the development of new sources of energy designed to safeguard the environment for years to come.

Environmental Stewardship

We believe that meeting our customers' demand for electricity must go hand-in-hand with preserving, protecting and enhancing the environment.

As a result, our company is committed to complying with the spirit and intent, as well as the letter of all environmental laws, regulations and standards.

We incorporate environmental protection and stewardship as an integral part of the design, construction, operation and maintenance of our facilities. We also conduct periodic self-evaluations and report performance. In addition, we offer a variety of programs that encourage the wise use of energy to minimize the impact on the environment.

Environmental Policies

As part of our environmental policy:

- The Board of Directors reviews company environmental strategies and performance.
- Environmental performance is a key component in our operating divisions' business plans.
- Environmental audits of our facilities and operations are conducted regularly.
- Environmental factors make up a significant portion of our "due diligence" research when considering asset acquisitions.
- Employees are trained in many aspects of environmental awareness and management.
- Employee performance evaluations consider whether environmental targets have been completed successfully.

We continually work to achieve more efficient operations and improved performance with less impact on the environment. This includes managing water wisely as a valued natural resource, seeking ways to improve operations to minimize their impacts on

wildlife near our facilities, and properly disposing of waste and recycling materials required for company operations.

Fuel Mix/Renewable Resources

FPL Group is committed to promoting the generation of clean energy through the use of clean-burning fuels and renewable resources, while helping to minimize fuel costs.

Florida Power & Light One of the Nation's Cleanest Utilities

At FPL, more than half of our electricity comes from nuclear plants free from greenhouse gas emissions and clean-burning natural gas plants, making us one of the cleanest electric utilities in the country.

FPL projects the need for 5,348 megawatts of net new capacity to be added by the end of 2014 to meet the growing power needs of existing customers as well as an average of more than 80,000 projected new customer accounts annually. Within the next seven years, much of this new generation will come from state-of-the-art, combined-cycle technology. Further out, plans call for consideration of other fuel and energy sources and other cost-effective generating technologies to strengthen our fuel diversity.

FPL Energy A Leader in Clean Power

More than 90 percent of the electricity generated by FPL Energy comes from clean-burning natural gas, nuclear power, and renewable sources including wind, hydro and solar. The company further solidified its position as one of America's leading clean energy providers in January of 2005 with the purchase of a 45 percent ownership interest in 150 megawatts of solar power generation in California. The acquisition makes FPL Energy the largest generator of solar power in the country with 310 megawatts.

As the world leader in wind power, FPL Energy owns and operates wind facilities in 15 states with a capacity of nearly 3,000 megawatts of electricity, or about 40 percent of the U.S. wind energy market. At the end of 2004, wind power accounted for nearly one-fourth of FPL Energy's generating capacity.

Since 2000, FPL Energy has expanded its wind market share by adding an annual average of 545 megawatts, and the company is targeting between 250 and 750 megawatts of new wind generation in 2005.

In addition to FPL Energy's wind development activities in 2004, major projects were undertaken to improve the efficiency of the company's wind assets and to optimize their value. In addition to repowering, the projects included using surplus turbines and repositioning turbines to allow for greater long-term output.

Clean Air and Emissions Reductions

We recognize that climate change is a significant issue in the United States. As such, FPL Group is a clean energy company committed to managing our operations with sensitivity to the environment. Over the past decade, FPL Group has voluntarily made significant reductions in power plant emissions. Today our emissions rates of carbon dioxide, nitrogen oxide and sulfur dioxide are among the lowest of companies our size in the electric power industry. In addition, FPL Group has been successful in reducing toxic chemical releases from our power plants. Attached are Chemical Releases (TRI) reported to the Environmental Protection Agency by FPL.

As the first electric company to join the Environmental Protection Agency's "Climate Leaders" program in 2003, FPL Group is committed to further improving its environmental performance. To that end, we committed to achieving an 18 percent reduction in emissions rates of greenhouse gases between 2003 and 2008 compared to a 2001 baseline. The company has already achieved, and in fact, surpassed its goal and anticipates filing an early achievement with Climate Leaders.

Climate Leaders is a voluntary industry and government partnership that encourages companies to develop long-term climate change strategies. Among the industry participants are such prominent companies as Johnson & Johnson, IBM, Pfizer, 3M and General Motors.

FPL Group also is a participant in the World Wildlife Fund's "PowerSwitch! Pioneers" program, which is designed to reduce greenhouse gas emissions through the use of cleaner fuels and more efficient electricity generation. FPL Group's goal is to achieve a 15 percent improvement in the efficiency of our power plants by 2020, resulting in reduced emissions of CO₂. The efficiency improvements will be made in part by switching generation from oil to natural gas and continuing to invest in wind power and other renewable energy sources.

Power Plant Operations

FPL has long been committed to providing power in an environmentally responsible manner even as the demand for electricity in our service area has increased many-fold. As one of the nation's leaders in "repowering" – that is, converting older oil-burning power plants to modern natural gas operations – we've greatly increased the efficiency of many of our plants while reducing emissions.

In addition, FPL has recently entered into agreements with the Florida Department of Environmental Protection (DEP) to install pollution prevention technology that will substantially reduce particulate emissions at one plant and ozone forming emissions at a second plant.

Alternative Energy

To help meet its increasing energy demands, FPL is continually seeking to develop alternative and environmentally friendly technologies.

Presently, Florida depends on renewable or “green” energy for about 1 percent of its electricity needs. Because of FPL’s efforts, this percentage may eventually grow. The company believes that greater use of conservation and cost-effective renewable resources is good for our nation and that the ongoing evaluation of emerging clean energy technologies is a worthy pursuit.

Not only does FPL have research and development programs that evaluate emerging energy technologies including renewable energy, the company currently uses renewable resources as part of its energy mix. For example, most of FPL’s biomass resources are in Florida, where electricity is purchased from power plants that produce energy using fuel from:

- solid waste
- landfill gas
- waste paper and
- sugar cane wastes.

Research and Development Programs

In addition, FPL has research and development programs that evaluate emerging energy technologies including renewable energy. Here are some examples:

- FPL has been involved in solar photovoltaic research and development projects since the late 1970s. Among the company’s pioneering efforts in this area is a 10-kilowatt photovoltaic (PV) system at its Martin power plant. The system is a type of solar power that generates electricity at customers’ homes or businesses, and is tied directly into FPL’s power grid. FPL also is currently helping to fund a number of PV pilot projects at homes and Florida schools. One program is looking at a technology that replaces existing roofing materials such as shingles with photovoltaic materials. This program, which is focused on test installations at two universities and five homes, is aligned with the federal government’s “Million Solar Roofs” initiative. In addition to these projects, FPL generally supports a number of research and development initiatives of the Florida Solar Energy Center.
- FPL supports other developing cleaner energy technologies, including industry research and development on fuel cells and microturbines. Fuel cells are electrochemical devices that depend on chemical reactions rather than combustion to produce thermal energy and electricity. They operate more efficiently than an internal combustion engine, with fewer emissions. FPL has joined the Florida Department of Environmental Protection in a research project that puts a fuel cell to work at Hugh Taylor Birch State Park in Broward County. A microturbine – a

small combustion turbine that operates on clean-burning natural gas – is being tested by FPL in the Daytona Beach area at the Tomoka Correctional Institution.

- FPL customers who wish to support financially the development of renewable sources of energy generation in Florida and nationwide may now do so through a “green power” program called Sunshine Energy®. By participating in the program, each FPL customer can prevent more than 10,000 pounds of carbon dioxide emissions nationwide – as much CO₂ as a car produces in more than 11,000 miles of driving. In addition, for every 10,000 customers who enroll in Sunshine Energy, 150 kilowatts of solar capacity will be added in Florida.
- FPL is at the forefront of a national industry program to develop hybrid line trucks that are capable of running in pure electric or conventional mode, or a combination of both. This year, FPL is testing three prototype diesel-electric bucket trucks that could impact its fleet services for years to come. The trucks can produce up to 25 kilowatts of electricity, and are expected to achieve greater fuel economy than standard gasoline-powered trucks in FPL’s fleet. The biodiesel-electric engine also burns more cleanly than hybrid gasoline-electric engines.

Customer Energy Conservation Programs

FPL is an industry leader in providing conservation and energy management programs, and over the past two decades more than 1.7 million customers have participated in our energy-savings efforts. This has helped reduce energy demands by more than 4,300 megawatts and allowed the company to delay building the equivalent of 10 medium-sized power plants.

FPL offers its customers programs that provide year-round, energy-saving services such as duct tests, free home energy surveys and cash incentive programs to upgrade insulation and central air conditioning. The company also offers business customers incentives for installation of energy-efficient cooling/heating and lighting systems, roofs, insulation and window treatments. In addition, FPL provides optional “load management” programs that help reduce power usage by predictable and specific levels during times when energy demands are highest. These programs allow participating customers to receive lower electric bills for allowing FPL to reduce their electric use occasionally.

In particular, our rebate and incentive programs are aimed at reducing energy demands for:

- **Residential customers**
- **Business customers**

Recycling

Our commitment is to cost effectively recover and market surplus assets, maximizing their value while protecting the environment. FPL Group’s Corporate Recycling & Services department manages the recycling, reuse, refurbishment and reduction of 100

types of waste products at more than 65 facilities. Created in 1981, FPL has its own recycling center to process scrap wire and cable. As one of the first utilities in the United States to establish a recycling department, FPL continually consults with other utilities and salvage operations to offer an environmentally conscious, proactive and cost-effective alternative to the ever-increasing landfill problem.

Preserving and Protecting the Environment

We incorporate environmental protection and stewardship into the design, construction, operation and maintenance of our facilities. FPL Group's commitment to preserve and protect the environment is reflected in both its day-to-day operations and its large number of special environmental programs.

- Water is a key ingredient in the generation of electricity, and a valued natural resource. This is especially evident at FPL Energy's hydroelectric facilities in Maine, where we manage water levels for fish spawning, loon nesting and public water access as part of our efforts to meet the habitat needs of fish and bird species, as well as to provide opportunities for whitewater recreation, boaters and anglers.
- FPL Energy's Seabrook nuclear station supports the New Hampshire Estuary Project, an organization working to improve the water quality in the Hampton/Seabrook Estuary. The plant is located on marshlands adjacent to the Atlantic Ocean.
- FPL Energy's Bellingham Energy Center in Massachusetts and the Doswell Energy Center in Virginia are known as "zero discharge" facilities. This means we re-use all industrial wastewater, preserving the quality of our rivers, lakes and streams.
- With all our wind projects, we care about the potential impacts that wind facilities might have on birds and bats. Although wind turbines present small relative risk to flying animals, our personnel take actions to assess and reduce when possible – the risk to these creatures. In addition, our interest in our wind facilities' impact on birds and bats does not end after project siting and construction, but continues into the operational phase of the projects through involvement in research efforts.
- In Florida, FPL is especially sensitive to the state's unique ecosystems. Programs have been in place for many years to protect the numerous species of plants and animals that are found near the company's power plants. These include such endangered or threatened species as the American crocodile, Florida manatee, southern bald eagle, wood stork, sea turtle and Florida panther.
- Sea turtles -- As part of our commitment in support of protecting and rehabilitating sea turtles, FPL donated \$250,000 to the Loggerhead Marinelifelife Center in Juno Beach. The Center helps to educate the public on the importance of protecting and preserving these remarkable animals, and FPL is proud to be a partner with this prestigious group. In addition, FPL maintains an extensive sea turtle monitoring and research program at our St. Lucie nuclear power plant.
- Manatee Island -- FPL also made the unusual donation of an island to the U.S. Fish and Wildlife Service. Manatee Island is an 18-acre refuge for migratory and

native birds that also serves as a winter landmark for West Indian manatees seeking the warm waters near the Fort Myers plant. The island is the first addition to the Caloosahatchee National Wildlife Refuge, which was established in 1920 as a preserve and breeding ground for native birds.

- Everglades Mitigation Bank -- FPL's 13,455-acre Everglades Mitigation Bank is a critical link to the success of restoring the Everglades ecosystem to its natural condition. Strategically located between Everglades National Park and Biscayne National Park in south Miami-Dade County, the Everglades Mitigation Bank is home to dozens of protected species of wildlife designated as endangered, threatened or as species of special concern. It also contains several unique ecosystems. Mitigation banking generally involves the creation, enhancement and preservation of wetlands on a large tract at one location to provide mitigation "credits" for numerous smaller projects where wetlands will be impacted. FPL's Mitigation Bank has earned the support of various state and local environmental organizations, including the Audubon of Florida, Tropical Audubon (Miami-Dade County), Friends of the Everglades and Wilderness Society. In addition, the Edison Electric Institute presented its national Land Management Award to FPL for its environmental stewardship and management of wetlands, including the Everglades Mitigation Bank.

Awards

FPL Group's commitment to the environment – as well as overall sustainability – is reflected in the number of awards we've received.

- In June, FPL received the 2005 Hurricane Heroic Award from the Council for a Sustainable Florida. FPL was cited for implementing its highly efficient storm restoration plan to achieve unprecedented results in restoring power and restoring lives in the wake of the 2004 hurricane season. The council deemed getting the power back on as soon as possible important to the economic viability of the community, as well as the protection of Florida's fragile environment and vital citrus industry. FPL also was recognized for its commitment to social responsibility as it raised nearly \$1.4 million toward hurricane relief.
- In January 2005, FPL Group was named one of the Global 100 Most Sustainable Corporations in the World by Corporate Knights, Inc., a Canadian media company. Chosen from a universe of 2,000 of the world's largest corporations, FPL Group was cited for the honor after achieving a sustainability performance that places it within the top five percent of its sector.
- As one of America's cleanest energy providers, the emissions rates of our power plants are among the lowest in the electric industry. Our environmental achievements were reflected by our No. 1 environmental ranking – for three consecutive years – in the Innovest Strategic Value Advisors report, which compares the environmental performance of 26 U.S. electric utilities. Innovest is an internationally recognized independent investment research firm specializing in environmental finance and investment opportunities.

- FPL Group scored the No. 1 ranking in the United States and No. 2 globally in a World Wildlife Fund report in 2004 that analyzed 72 of the world's leading power companies on current use of available technologies to reduce carbon dioxide emissions, as well as clear commitments made for future improvements.
- FPL was named a Tree Line USA utility for the third year in 2004 by the National Arbor Day Foundation. FPL was honored for our quality tree care program, annual worker training in quality tree care practices, as well as a tree planting and public education program.
- FPL Group was presented with the 2003 Edison Award, the electric power industry's highest honor. In announcing the award, EEI said, "FPL Group's winning strategy clearly demonstrates that environmental excellence and outstanding financial performance can go hand in hand. FPL Group's success is emblematic of the ingenuity and vision that are the hallmarks of our industry. Its leadership and boldness, and the ability to see what lies ahead in a constantly changing industry, are what set them apart."
- Platts, the energy information and market services unit of The McGraw-Hill Companies, presented FPL Group with a 2003 Global Energy Award as "Renewable Company of the Year" for our clean energy portfolio.

Social Responsibilities

FPL Group and our employees are working to build better communities where we work and live. Our commitment to safety, caring and education is extended to our workforce and beyond to the customers we serve. Never do we take our social responsibility more seriously than during times of crisis, such as in the wake of the hurricanes of 2004. FPL recognizes that the success of our company depends on the prosperity of the communities where we operate. Among FPL Group's social responsibilities are safety and well being, diversity and equal opportunity employment, and being a good and caring neighbor to the communities we serve.

Community Care

We believe that we have a responsibility as a corporate citizen and good neighbor to improve the quality of life in our communities. We do this by identifying important community needs and offering the strengths of our company and the talent of our employees in meeting those needs.

One of our primary concerns is the safety of our customers and the public. We promote general electrical safety through a variety of public channels, including broadcast and television messages and the company's monthly "Energy News" newsletter to customers. The Florida Power & Light Company Web site also provides important safety tips, as does FPL For Kids Web site for children. FPL also uses a flatbed-mounted demonstration called Sparky to drive home the importance of safety around FPL facilities to firefighters, police officers, building inspectors and emergency personnel.

Also important to FPL Group are the opportunities we provide in the communities we serve. Our minority business program gives qualified small, disadvantaged and women-owned businesses the chance to market their products and services to the company and to become more competitive when seeking business relationships with FPL Group. In 2004, FPL spent \$138 million with 375 diversity suppliers.

Employee Policies

FPL Group is one of 12 companies nationwide named to the Companies That Care Honor Roll, which recognizes organizations that demonstrate outstanding and measurable commitment to their communities, both within the workplace and beyond. The company received this special designation from The Center for Companies That Care, a national, not-for-profit organization. FPL Group was placed on the honor roll following a rigorous evaluation process conducted by an independent panel of business and academic professionals. Of 10 characteristics considered in the center's evaluation, FPL Group scored particularly high in cultivating the full potential of all employees and enabling the well-being of individuals and their families through compensation, benefits, policies and practices.

Providing Excellent Employee Benefits

FPL Group is committed to providing our employees with excellent employment opportunities and benefit programs that promote a sense of security and a work-life balance. Our company carefully examines plans and programs that result in the best value coverage for our employees and their families. FPL Group's contributions to our employees' benefits generally account for more than 30 percent of total compensation.

A wide variety of benefit plans are available.

Building Workforce Relations

Approximately one-third of FPL's employees are represented by the International Brotherhood of Electrical Workers (IBEW). For years, the company has worked to build and strengthen relationships with union members through:

- Collaborative decision-making among company and union leaders
- Joint safety advisory groups
- Business unit operational reviews and updates
- Business unit labor management meetings
- Executive labor management meetings
- Communications briefings

Keeping Employees Safe a Priority

FPL Group treats safety as a value. We're committed to providing a safe and healthy work environment for all employees and require that safety should not be compromised for any other business priority. We also expect companies providing services to FPL Group to have the same high standards of safety and health as we do.

The company takes responsibility to provide the facilities, equipment, tools, procedures, safety programs and training for employees to work injury free. Our employees have the responsibility to work safely for their own benefit as well as their co-workers. This responsibility includes following appropriate safety rules and planning each work activity using appropriate risk assessment, good judgment and skills, along with a sincere dedication to work safely.

No other business objective has a higher priority than safety, and in recent years we have significantly reduced the number of serious injuries on the job. As an example, from 2000 through April of 2004, the FPL Occupational Safety and Health Administration (OSHA) injury rate declined by 65 percent from just under 3.5 injuries to 1.2 injuries per 200,000 hours worked. If FPL were to calculate lost time (which the company does not because not every OSHA rate translates into lost time) the rates would be:

- 2001 2.86%
- 2002 2.94%
- 2003 2.17%
- 2004 1.92%

Helping Employees Get and Stay Healthy

As part of an integrated and balanced approach to the health and well-being of employees and members of their families, the FPL-Well program offers a wide scope of health and wellness-related services. In 2005, the company was awarded the Best Employees for Healthy Lifestyles Platinum Award from the National Business Group on Health in recognition of our efforts to create, promote and support healthy lifestyles at FPL.

FPL's fitness centers include two state-of-the-art facilities at its Juno Beach and Miami headquarters that offer cardio and strength equipment, fitness testing and group exercise classes. The facilities' health centers offer medical services and other health-related services to both employees and their dependents. Periodic special promotions feature such issues as nutrition and weight management, stress management and smoking cessation.

Assisting Employees in Times of Need

The company also offers a confidential Employee Assistance Program (EAP) that provides help to employees working through personal problems. The EAP is separate

from, but coordinates with, the mental health and substance abuse benefits the company offers to its medical plan participants.

In 2003, FPL established Operation Homefront to provide support for FPL employees and their extended families directly affected by the war in Iraq. A support group is available with informal sessions led by a professional psychologist for those who have loved ones in the war or anyone who is affected by the war in other ways.

Offering Equal Opportunity and Education

We have long believed that the maximum utilization of human resources and equal employment opportunity are mutually dependent. Not only are discriminatory practices unlawful, but that they are unjust and economically wasteful as well. Therefore, all of our corporate activities reflect the full acceptance of our responsibilities as an Equal Opportunity Employer (EEO). Our EEO program addresses specific equal employment opportunity issues and ensures that equal opportunities are made available to all employees.

In addition, FPL takes affirmative action to employ and to advance in employment qualified disabled individuals, qualified disabled veterans, and qualified veterans of the Vietnam era.

As part of a renewed focus on employee growth and development, the company established FPL Group University in 2003. The University includes curriculum in the areas of quality, leadership development, business and commercial skills and professional effectiveness. FPL Group University features five colleges entailing power generation, power systems, customer service and sales, nuclear power and information management.

Community Programs

FPL is involved in numerous community-based programs that strive to improve the quality of life in FPL communities. We offer an array of information to schools, community groups and individuals about how we do business, electrical safety and environmental issues.

The company supports education at all levels. The focus of the programs supported by the company varies at different grades. FPL also supports education through school mentoring.

Our outreach at the elementary and middle school levels is primarily directed toward teaching children about energy, electrical safety and energy conservation. Examples of our educational programs include:

- Energy Encounter (more than 30 interactive exhibits pertaining to energy and environmental education)
- Classroom presentations

- Teacher workshops
- Special events for families
- Scout activities
 - FPL's Electrifying Experience demonstration
 - FPL's Energy Whys demonstration
 - Turtle walks

College and university level support focuses on institutions that prepare our future workforce and provide the expertise in research and development and employee development necessary to maintain FPL as a high performance organization.

Outreach

Through its subsidiaries, FPL Group provides electricity to thousands of communities in over two dozen states. As part of our social responsibility, we are committed to being a good neighbor. This entails anticipating and understanding our customers' needs, building long-term relationships in the neighborhoods and communities of which we are a part, and being open-minded and receptive to new ideas.

As part of our community outreach program, we solicit the views and opinions of community members before we undertake major electric system expansion or upgrade projects.

As part of our approval processes, we are committed to involving the community in our planning so that we can learn more about community interests and priorities and take them into consideration in our planning along with the technical requirements of providing electricity.

Corporate Citizenship

FPL is involved in the community in many ways including contributions, management involvement, community programs and employee volunteerism. In 2004, FPL Group donated \$3.5 million in charitable and civic contributions and sponsorships. Highlights include:

- BuildSmart for Humanity – FPL has joined BuildSmart for Humanity in a regional partnership to sponsor Habitat homes in counties affected by the hurricanes of 2004. FPL is investing more than half a million dollars into the program in 2005 to build six homes. More homes will be built in 2006 and 2007. FPL also will incorporate BuildSmart® energy conservation features into more than 300 Habitat for Humanity homes in communities we serve.
- Race for the Cure – FPL has been a lead sponsor of the Race for the Cure to fight breast cancer for several years, and has pledged to continue its commitment into the future. Seventy-five percent of the money raised from the race goes to breast cancer treatment and education programs in Palm Beach, Martin and St. Lucie

counties. The remaining 25 percent goes to the Susan G. Komen Breast Cancer Foundation for national breast cancer research studies.

- United Way – The company is a major corporate donor to the United Way, annually contributing approximately \$615,000. In 2004, FPL Group's annual United Way campaigns raised more than \$2.3 million in pledges from employees.
- Community Volunteer Corps – Through this employee-run group, a strong network of employee volunteers gave 15,000 hours of their time to participate in a wide variety of neighborhood and community projects such as cleaning shorelines, renovating playgrounds, volunteering for Earth Day projects, mentoring and holiday food drives. The group operates independently of any corporate partnership or financial support. FPL's internal Web site also offers employees the opportunity to help through VolunteerMatch.org.
- American Red Cross Real Heroes – FPL is the major sponsor of the American Red Cross' Real Heroes Awards event to honor local heroes who have demonstrated extraordinary courage.
- Sunfest – FPL provides an environmental sponsorship at Sunfest, Florida's largest music, art and waterfront festival held annually in West Palm Beach. Company volunteers also work in booths designed to promote hurricane and conservation awareness.
- Care to Share program – This program invites FPL customers to join the company in contributing to a fund that helps people having difficulty paying for electric service.
- ASSIST – This FPL referral program seeks help from government and private organizations for families finding it difficult or impossible to pay their electric bills.
- AWARE program – Through Always Watching for At Risk Elders, FPL's field employees identify and help customers who show signs of needing assistance.
- Medically Essential Service program – FPL's program assists people with special medical needs who may depend on electricity for their well-being.
- Employee blood drives – Company-sponsored blood drives are held approximately every eight weeks at many company locations.
- Support for overseas troops – FPL's Community Volunteer Corps has been collecting supplies for FPL reservists and encouraging employees to send cards and letters to their co-workers fighting in Iraq.

Investments

Through the FPL Group Foundation, we provide civic and charitable contributions that focus on education, the environment, human services and community development. The foundation matches employee contributions to education dollar for dollar and supports scholarships for employees' children who qualify as national merit finalists. Other examples of these community investments include:

Education

- Florida A&M Foundation
- Junior Achievement
- Florida International University
- Collier County Education Foundation
- University of Florida Foundation

Environment

- Audubon Society of Florida
- Florida Wildlife Federation
- Hobe Sound Nature Center
- Marine Life Center of Juno

Human services

- Big Brothers & Big Sisters of Palm Beach
- Florida Council on Aging
- Habitat for Humanity
- United Way (26+counties)

Community development

- Economic Development Councils
- Local Initiative Support Corporation
- Manatee Community Foundation
- Urban League
- Kids Voting

Energy Conservation

For many years, FPL's industry-leading energy management and conservation programs have helped defer the building of new power plants. The company provides incentives to customers who are willing to take advantage of FPL's products, services and programs designed to lower energy usage. Overall, FPL energy conservation programs have saved enough electricity to postpone the need for 10 additional medium-sized power plants in Florida. Energy advice and programs are offered to both:

- **Residential customers**
- **Business customers**

BuildSmart® -- FPL's program for energy-efficient new home construction offers customers the option to upgrade to energy-efficient air conditioning, attic insulation and other energy conservation measures to keep their new home's energy bills lower. The

program makes it possible for homeowners to reduce monthly electric bills by up to 30 percent when compared to similar homes not upgraded to BuildSmart standards. The Department of Energy and the Environmental Protection Agency have selected FPL's BuildSmart program to receive the ENERGY STAR® Outstanding Achievement Award for 2004.

Responsibility

In our mission to be a good neighbor to the communities we serve, we take our responsibility to provide safe, continuous and reliable electric service very seriously. We're also taking the actions necessary to meet our customers' growing demand for electricity.

Because the generation and flow of electricity is so vital to our nation's health and well-being, electric companies must be able to effectively deal with unforeseen events such as major storms, oil spills or capacity shortfalls.

FPL Group's ability to respond quickly during times of crises is well documented, never more so than during the 2004 hurricane season. The company has instituted a comprehensive business continuity plan to further enhance our restoration capabilities. The plan provides processes and specific actions to ensure that the company's employees are safe and accounted for, that key business functions are maintained, and that inconvenience to customers is minimized should a crisis of any type occur.

Hurricane Restoration Completed in Record Time

When three devastating hurricanes swept through our service area within a six-week period last year, FPL's entire system was put to the test. No electricity provider in America has ever had to face what we experienced.

Hurricanes Charley, Frances and Jeanne forced us to mobilize more field crews over a more concentrated time period than any energy company in history. At one point, nearly 17,000 people were working on the relief effort with crews brought in from 39 states and Canada helping FPL restore electric service to nearly 5.4 million homes and businesses.

The restoration of power to millions of customers in record times for such extraordinary circumstances did not go unnoticed. Despite the frustration of being without power for extended periods of time, many customers levied high praise upon FPL employees for their selfless and dedicated service through countless letters and e-mails.

\$1.4 Million Raised for Victims

In addition to working around the clock to restore power, FPL also helped rebuild the lives of thousands of Floridians by offering a \$250,000 matching grant to the American Red Cross. FPL employees and customers almost doubled that target by donating \$490,000. FPL provided a matching gift of \$277,000 to the Florida Hurricane Relief

Fund, to which FPL customers also donated \$400,000. Combined, FPL helped raise nearly \$1.4 million toward hurricane relief.

EI Emergency Response Award

FPL was presented the Emergency Response Award by the Edison Electric Institute, the leading trade association of the electric power industry, for outstanding efforts to restore electric service in the wake of the unprecedented 2004 hurricane season.

Planning for Future Electricity Needs

Florida is the nation's fourth largest state and is growing at a faster rate than any other large state. Responding to the state's growth is a major challenge for Florida Power & Light Company, which is adding new accounts at the rate of more than 100,000 per year and currently services more than 4.2 million accounts.

In recent years FPL has added significantly to its generation and power infrastructure, increasing its generating capacity to nearly 19,000 megawatts. This has allowed us to meet our growing customer demands while maintaining a reserve margin of 20 percent.

On an average residential customer basis, use of electricity by FPL customers has increased by 28 percent since 1985.

From 1985 to 2002, the company added 4,000 megawatts of generation. In contrast, from 2003 to 2007, the company has or will invest more than \$2 billion in adding another 4,000 megawatts, growing its capacity at a pace three times the rate of the previous 17 years. In addition, FPL is investing \$520 million between 2004 and 2007 in maintaining its nuclear units in top shape to ensure continuation of that supply of low-cost electricity. From 2003 through 2007, FPL, in order to maintain its reliable service, expects to invest

more than \$4 billion in poles, wires and other electrical equipment necessary to deliver power to customers.

Since launching an aggressive program in 1997 to improve electric reliability, FPL has achieved outstanding results. The annual average amount of time customers are without power has been reduced by nearly 50 percent, and the frequency and duration of outages had declined as well. Excluding hurricane-related outages, the average number of minutes that FPL customers were without power during 2004 was about half that of the most recent industry average.

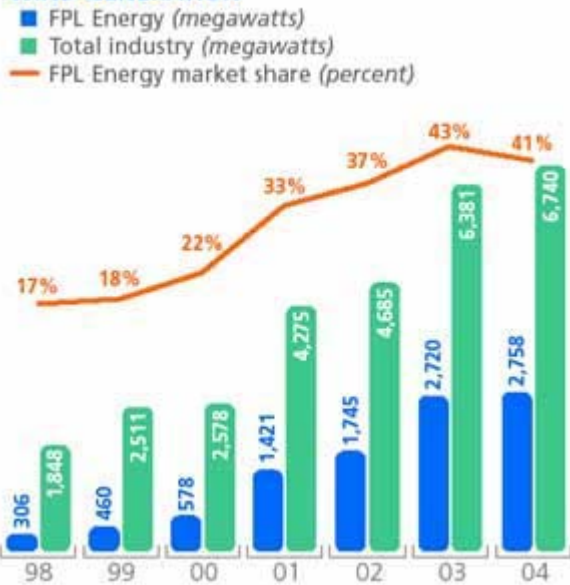
The company also has focused on improving customer satisfaction, and this was reflected by high scores in residential and business surveys conducted in 2004. The J.D. Power and Associates' Electric Utility Customer Satisfaction StudyTM of the nation's largest electric utilities placed FPL tied for second in the southern region in overall customer satisfaction. This marked the fifth consecutive year that the company ranked above the industry average. FPL also scored well in the J.D. Power and Associates' customer

satisfaction survey of mid-size businesses, improving to fourth best in the southern region.

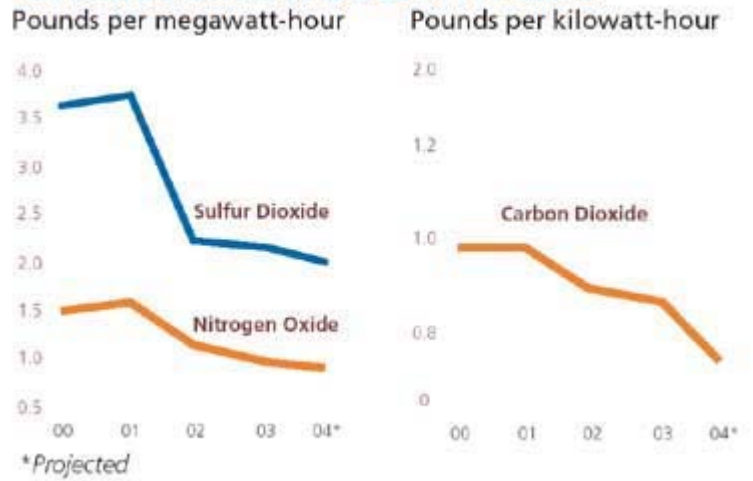
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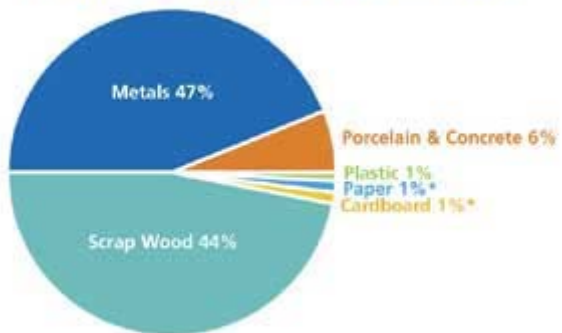
SIGNIFICANT MARKET SHARE IN U.S. WIND GENERATION



REDUCING EMISSIONS RATES AT FPL GROUP



TYPE OF MATERIAL RECYCLED 2000-2004

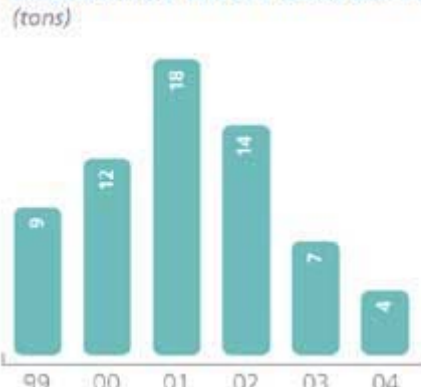


* A large quantity of paper and cardboard are recycled by local vendors

TOTAL MATERIAL RECYCLED 2000-2004



HAZARDOUS WASTE GENERATED 1999-2004



DIVERSIFIED ENERGY MIX
Based on megawatt-hours produced in 2004

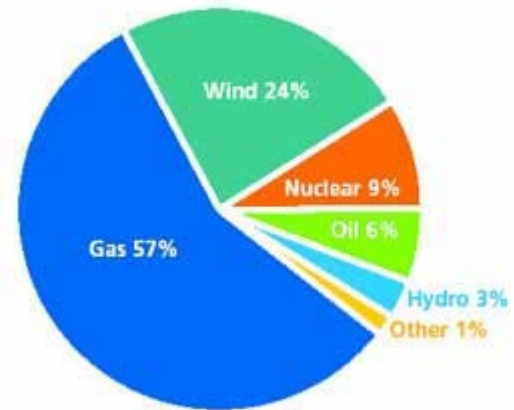


FPL Energy: A Leading Clean Energy Provider

With power plants in 24 states, FPL Energy is a leader in producing electricity from clean and renewable fuels (blue areas denote states with FPL Energy projects and offices).



DIVERSIFIED PORTFOLIO PROVIDES BALANCE
11,520 net megawatts in operation at 12/31/04

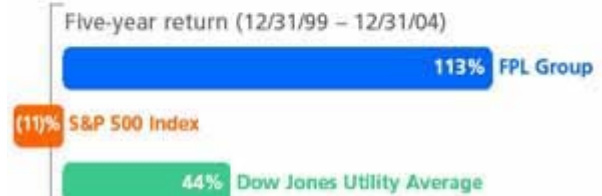
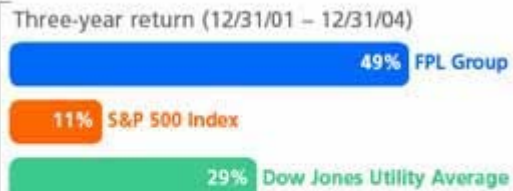


FPL: Serving A Fast-Growing State

Florida Power & Light Company serves more than 4.2 million customer accounts in 35 counties.



FPL GROUP COMPARATIVE TOTAL SHAREHOLDER RETURN

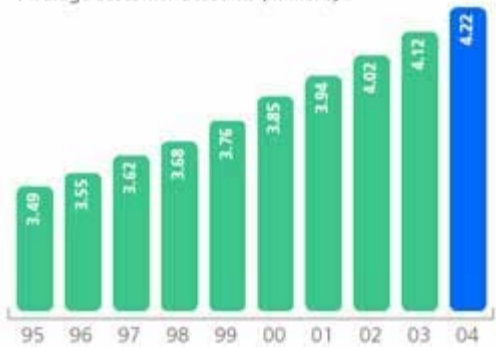


STEADILY GROWING DIVIDEND

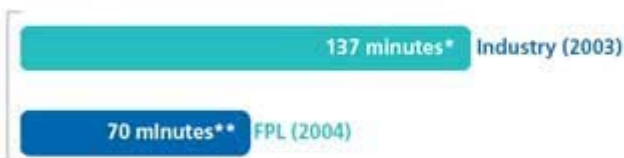
Dividends per share*



STEADY CUSTOMER GROWTH
Average customer accounts (millions)



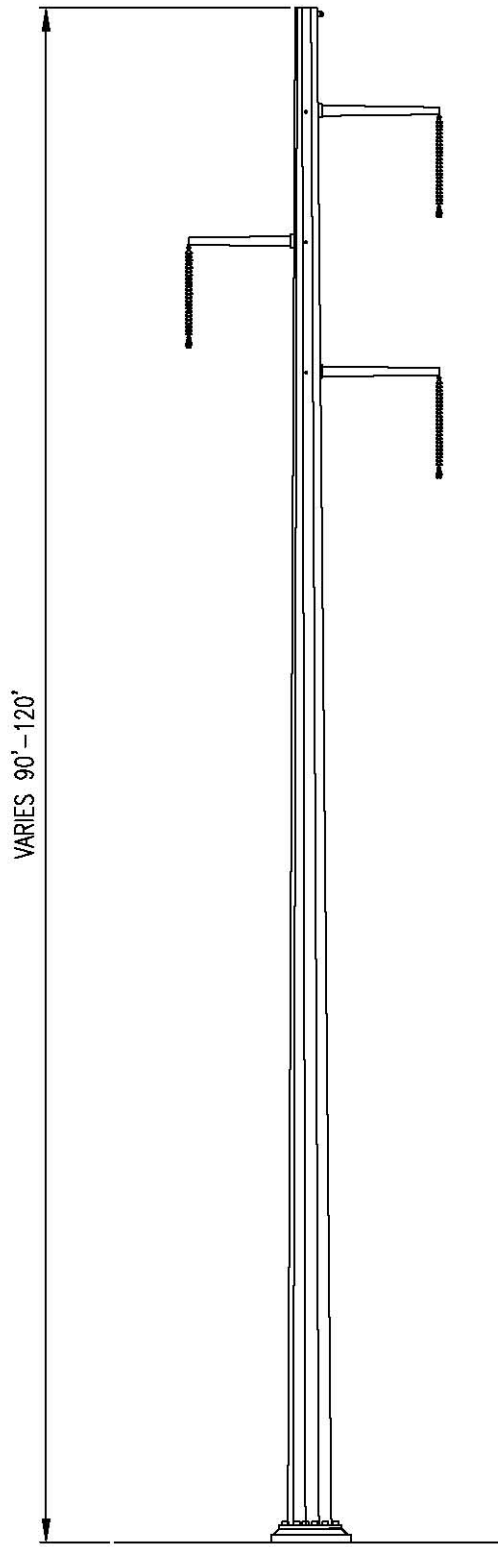
TIME CUSTOMERS WERE WITHOUT POWER



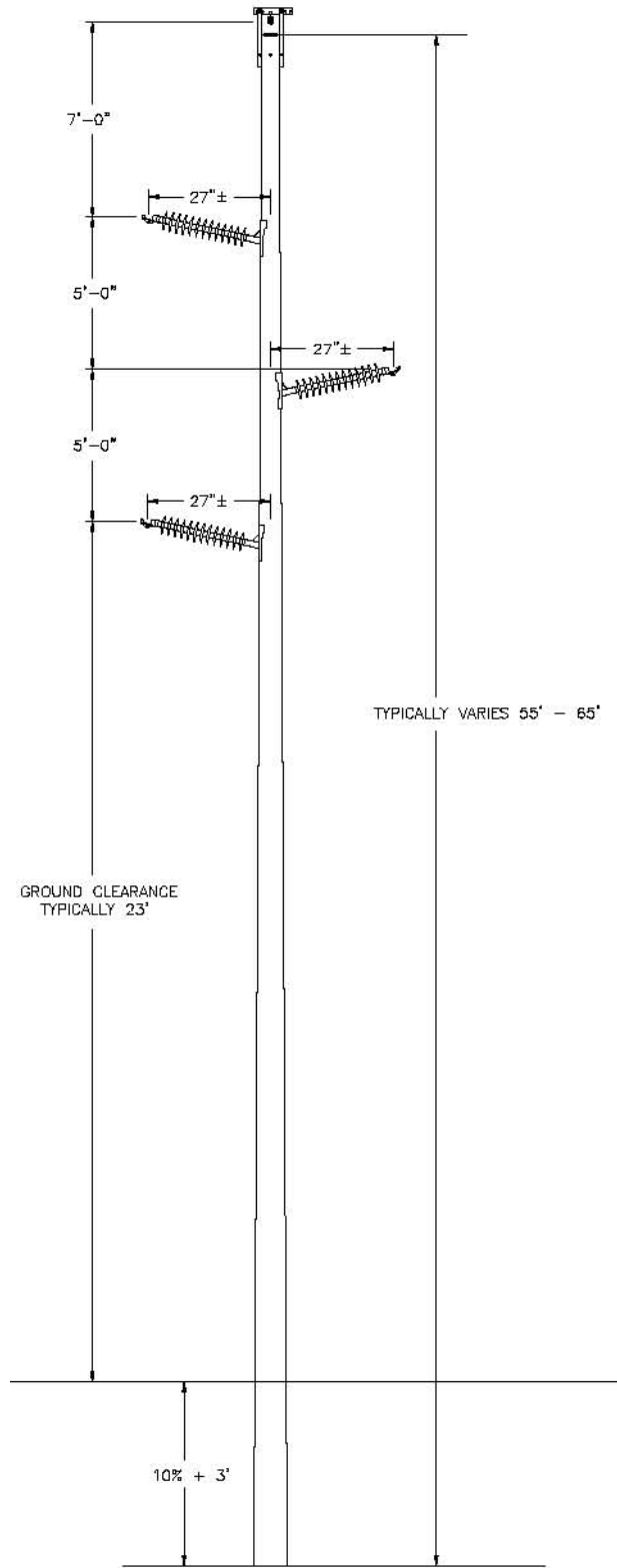
*Industry source: 2003 Edison Electric Institute survey

**Excluding the impact of the three hurricanes that hit FPL's service territory.

APPENDIX B
STRUCTURE DESIGNS



TYPICAL TANGENT



APPENDIX C
STUDIES and ASSESSMENTS

Class I Cultural Resource Inventory for the Ashtebula Wind Farm Project in Barnes County, North Dakota.

**By
Christina Grimsrud Burns, M.S.**

**Prepared for:
TETRA TECH EC, INC**

Prepared by:



**Beaver Creek Archaeology, Inc
111 S Broadway, P.O. Box 489
Linton, ND 58552**

September, 2007

1.0 Introduction

Tetra Tech, EC contracted Beaver Creek Archaeology, Inc (BCA) to perform a Class I Cultural Resource Inventory (Literature Review/File search) of a proposed wind farm project by the town of Valley City, Barnes County, North Dakota. The area of potential effect (APE) covers approximately 78,700 acres across 123 sections located in the Baldwin, Ashtebula, Grand Prairie, Noltimer, and Alta Townships (Sibley, Dazey NE, Pillsbury, Pillsbury SE, Pillsbury SW, Baldhill Dam, Valley City East, Valley City West, and Oriske Quadrangle Maps).

Township Name	Township	Range	Sections	Quadrangle Maps
BALDWIN	T143N	R57W	25-36	Sibley, Pillsbury
ASHTEBULA	T142N	R58W	11-14; 23-26; 35-36	Sibley, Pillsbury SW, Baldhill Dam, Dazey NE
GRAND PRAIRIE	T142N	R57W	1-36	Pillsbury, Sibley, Pillsbury SW, Pillsbury SE
NOLTIMIER	T141N	R57W	1-36	Pillsbury SE, Pillsbury SW, Valley City East, Oriska
ALTA	TN	RW	2-11; 14-18	Oriska, Valley City East
GETCHELL	T141N	R58W	1-2; 11-14; 23-26; 35-36	Pillsbury SW, Valley City East, Baldhill Dam, Valley City West

On September 6, 2007 Christina Grimsrud Burns conducted the file search at the State Historical Society of North Dakota (SHSND). Seven manuscripts, nine Archaeological Site Leads, one Architectural Site, and one Architectural Site Lead were found within the records.

This report contains information about currently recorded Historic and Pre-historic sites and the potential for such sites within the APE. It also contains an environmental description of the area as well as recommendations for future Cultural Resource Inventories.

2.0 Project Goal

The goal of the Class I Cultural Resource Inventory is to provide Tetra Tech EC with knowledge of the Cultural Resources and the potential of Cultural Resources within the project area. This knowledge can aid in the planning stages of the wind farm project by potentially avoiding such resources and thereby complying with Federal and State regulations.

3.0 Environment

The Sheyenne River/Lake Ashtabula is a major river that flows into the Red River of the North which is bordered by North Dakota and Minnesota. The APE is located on the Drift Prairie within the Prairie Pothole Region with rolling hills, lakes and wetlands. The terrain is characterized as level to rolling, with flats, knolls, ridges, and drainageways, with soils such as Barnes Busey represented.

This area of North Dakota is situated in the tall grass prairie with wooded areas along terraces and floodplains of rivers and creeks. Elm, ash, box elder, bur oak, and grasses are found on riparian areas where nuts, berries, and tubers would have been found seasonally (SHSND 1990). There is also an abundance of wetlands throughout the area.

This habitat provided ample food for a number of animals, such as elk, bison, deer, antelope, moose, caribou, muskrat, beaver, fox, wolf, and other fur-bearing animals. There was also an abundance of waterfowl along wetland marshes and prairie potholes.

This biotic diversity along with the availability of water makes this setting favorable for human settlement, both during prehistoric and historic time-periods. Stream gravels in the area also provided people with chippable stones such as Swan River chert, Tongue River silicified sediment and cherts.

4.0 Result

BCA conducted a literature review at the State Historical Society of North Dakota and discovered seven manuscripts, nine Archaeological Site Leads, one Architectural Site, and one Architectural Site Lead within the records.

Table 1: Manuscripts on File as of September 6, 2007 at the Archaeology and Historic Preservation Division, State Historical Society of North Dakota in or near the APE.

Year	MS #	Author	Location			Title
			Twp	R	S	
1991	5698	J. Borchert	140	57	7, 8	Williston Basin 8" Natural Gas Pipeline Reroute in Barnes County, North Dakota Cultural Resource Inventory UW#1488
1992	5781	G. Wermers	140	57	10	Class III Cultural Resource Inventory for Three Williston Basin 8" natural Gas Pipeline Reroutes in Barnes and Cass Counties of North Dakota UW# 1534
1990	5347	D. Klinner/ J. Borchert	140	57	7-12	Class III Cultural Resource Inventory for the Williston Basin 8" Natural Gas Pipeline in Barnes and Cass Counties of North Dakota UW# 1381
2000	7646	G. Wermers	141	57	16	Thirteen NDDOT Living Snow Fence planting Areas in Adams, Oliver, Burleigh, Barnes, and Cass Co., ND
2006	9969	A. Bleier et al	141	57	6-8, 17	Keystone Pipeline Project: Class I, II, and III Cultural resource Investigations in Eastern North Dakota, Volumes 1 & 2.
			142	57	19	
1987	4280	J. Schimer	141	57	33	Final Report Field Reconnaissance Survey of Churches in Barnes, Ransom, Richland, Sargent and Steele Counties of ND
1978	547	R. Fox	142	57	24-26	Archaeological Field Report: 1978 Fall Field Season and Rip Rap Operation Investigations, lake Ashtabula, Barnes Co., North Dakota

Four projects have been performed within T140N R57W: MS#s 5698, 5781, 5397, and 9969. One project MS# 7646 has been performed in T141N R57W. These are all linear pedestrian surveys (see maps Appendix A). No large area surveys have been performed within the project area.

Table 2. Summary Information on Archaeological Site Leads near the APE.

SITS #	Location			Affiliation	Description	Recorder	MS #
	Twp	R	S				
32BAx165	142	58	13	Historic	CM Scatter	E. Benson	80
32BAx168	142	58	26	Historic	Alderman PO	E. Benson	80
32BAx134	141	57	2	Prehistoric	Mound	E. Benson	80
32BAx135	141	57	5	Historic	Charleston PO	E. Benson	80
32BAx233	141	57	7	Prehistoric	Grave/CM Scatter/ other rock feature	B. Thomas	85
32BAx234	141	57	20	Prehistoric	CM Scatter	B. Thomas	85
32BAx138	141	57	28	Historic	No description	E. Benson	80
32BAx139	141	57	30	Historic	Camp Smith	E. Benson	80
32BAx140	141	57	30	Historic	CM scatter	E. Benson	80

Nine site leads have been recorded within the project area. These have not been evaluated by an archaeologist. As most of the site leads do not contain maps, a general location of these site leads are marked on the maps in Appendix A:

- 32BAx165 "Camp Libby". Historic CM Scatter. In the NW ¼ SE ¼. No map
- 32BAx168 "Alderman Post Office". Historic site lead. Somewhere in Section 26.
- 32BAx134 "Hamburg/Hamburg Mound". Effigy Mound. No map.
- 32BAx135 "Charleston Post Office." No map. Somewhere in Section 5.
- 32BAx233 "O'Mally Farm". No map. In the SE ¼ of Section 7. Consists of a grave with human remains, other rock feature, and CM scatter.
- 32BAx234 "Smith Camp Site". CM Scatter. No map. Somewhere in SW ¼ of section 20.
- 32BAx138 No feature type/cultural material/site name. No map. Located in SW ¼ SW ¼ Section 28.
- 32BAx139 "Camp Smith". No map. Historic CM Scatter. Located in SE ¼ SW ¼ NE ¼ of Section 30.
- 32BAx140 Historic CM Scatter. No map. Somewhere in W ½ of Section 30.

Table 3: Summary Information on Architectural Sites near the APE

Location			Site Number	Feature	Recorder	NRHP Status
Twp	R	S				
141	57	33	32BA208	Church	R.Ford-Danker	Ineligible

Site 32BA208, a church, is deemed ineligible to the National Register of Historic Places.

Table 4: Summary Information on Architectural Site Leads near the APE

Location			Site Number	Feature	Recorder	Year Recorded
Twp	R	S				
142	57	9	32BAx84	Cemetery	B. Mertz	2001

32BAx84 "Grand Prairie Free Methodist and Free Cemetery."

The project area contains relatively few Archaeological, Historic, and Architectural sites, but this is primarily due to the lack of Cultural Resource Inventories performed in the project area. According to State Historical Society of North Dakota, the Sheyenne River Study Unit, in which the project area is located, has a relatively low site density, one site per 26.6 mi². This is due to sporadic survey work rather than actual site density (1990:12.7). The rolling prairie landscape with hills, knolls, and bluffs combined with an abundance of water makes the project area a high potential area for containing archaeological sites.

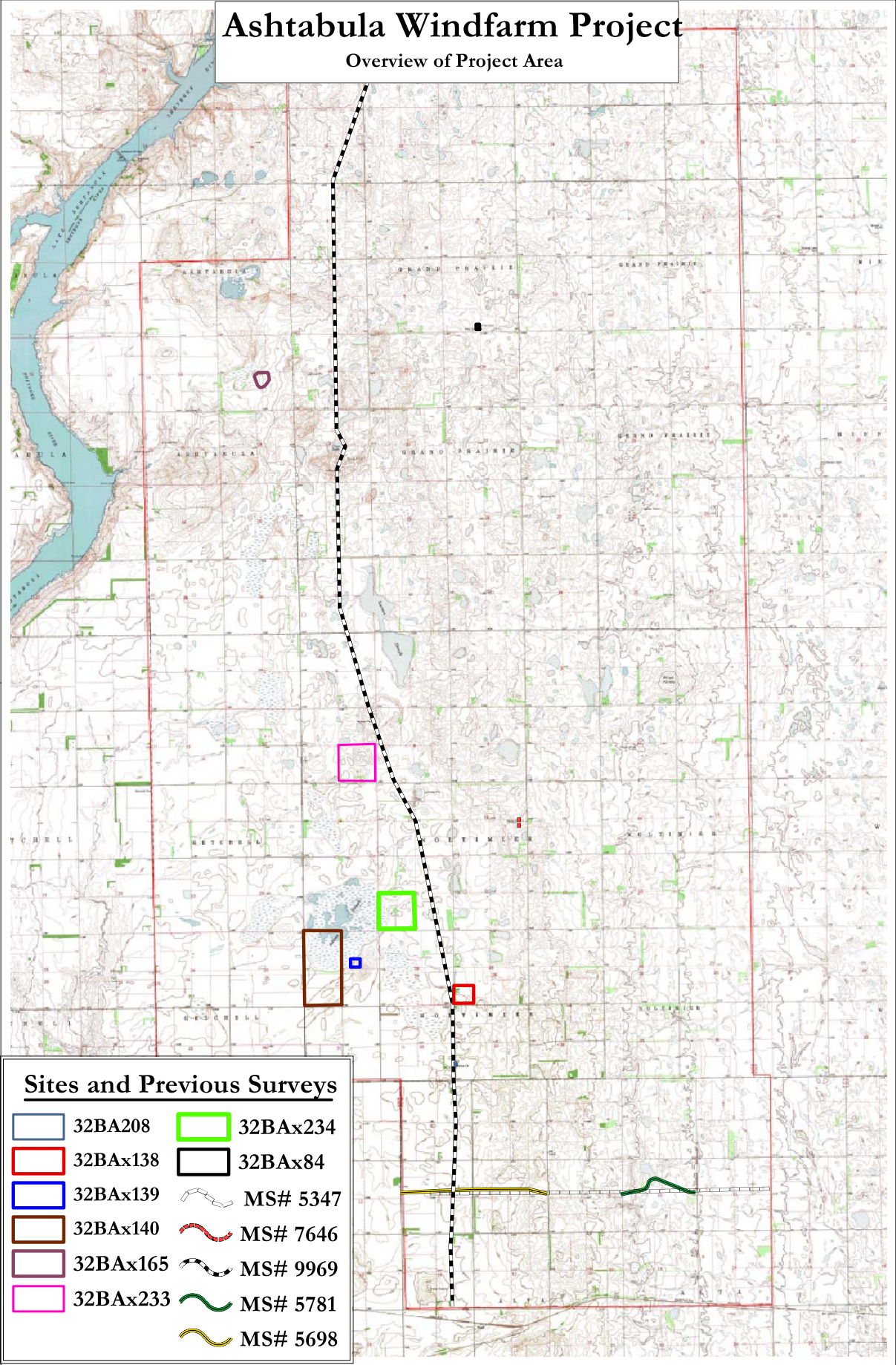
5.0 Recommendation

The proposed project area is located in a region that has high potential for archaeological sites. There are not many sites recorded within the project area, but this is primarily due to the lack of Cultural Resource Inventories performed.

Most sites recorded within the Sheyenne River Study Unit are located on a Hill/Knoll/Bluff landform as well as on Upland Plains (SHSND 1990). As the project area is located within this setting, it is recommended that a Class III Cultural Resource Inventory be performed within the proposed project area. The recorded site leads needs to be further investigated if the project is to impact these areas.

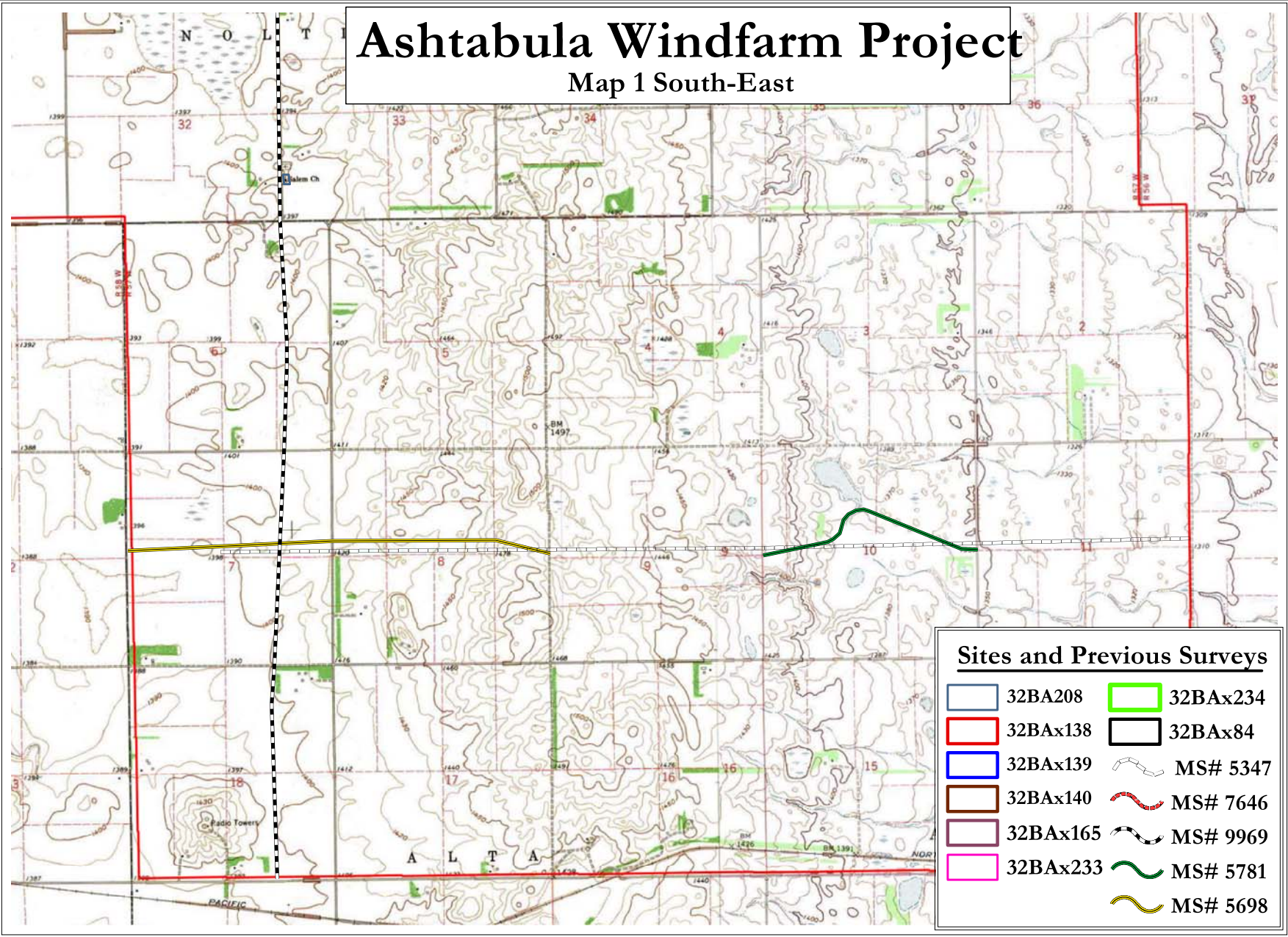
Ashtabula Windfarm Project

Overview of Project Area



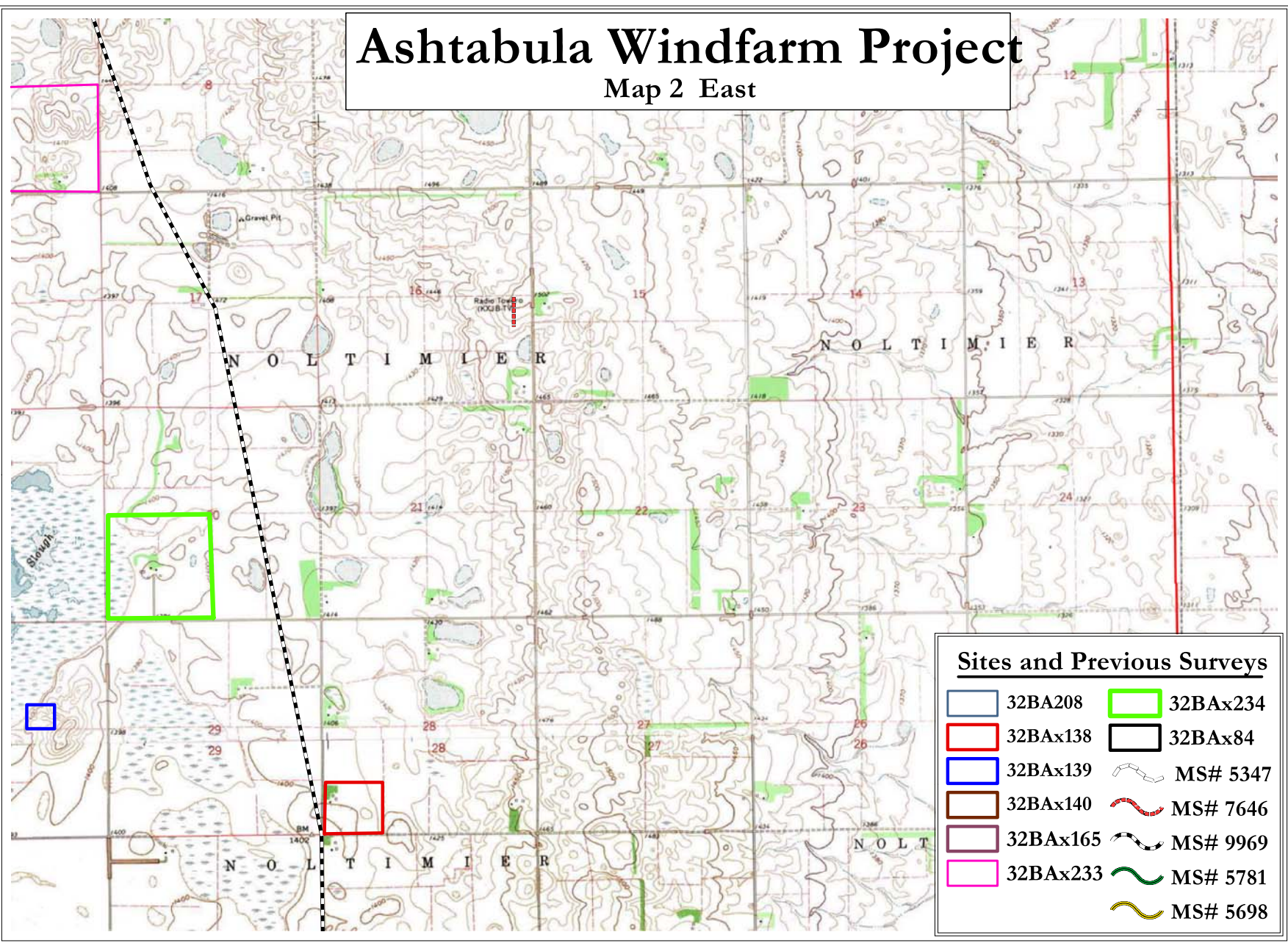
Ashtabula Windfarm Project














Map 1 South-East



Ashtabula Windfarm Project

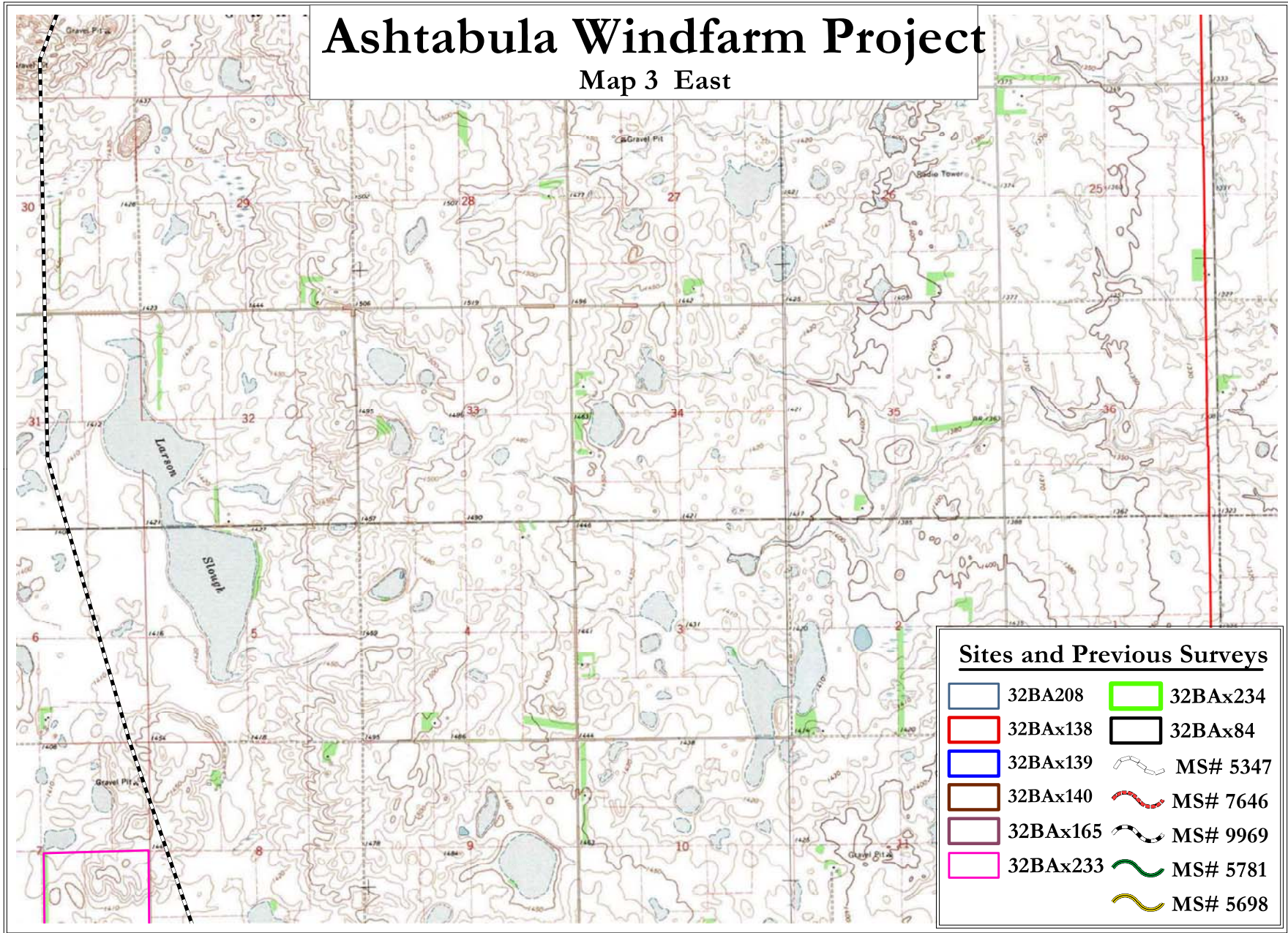
Map 2 East



Sites and Previous Surveys			
	32BA208		32BAx234
	32BAx138		32BAx84
	32BAx139		MS# 5347
	32BAx140		MS# 7646
	32BAx165		MS# 9969
	32BAx233		MS# 5781
			MS# 5698

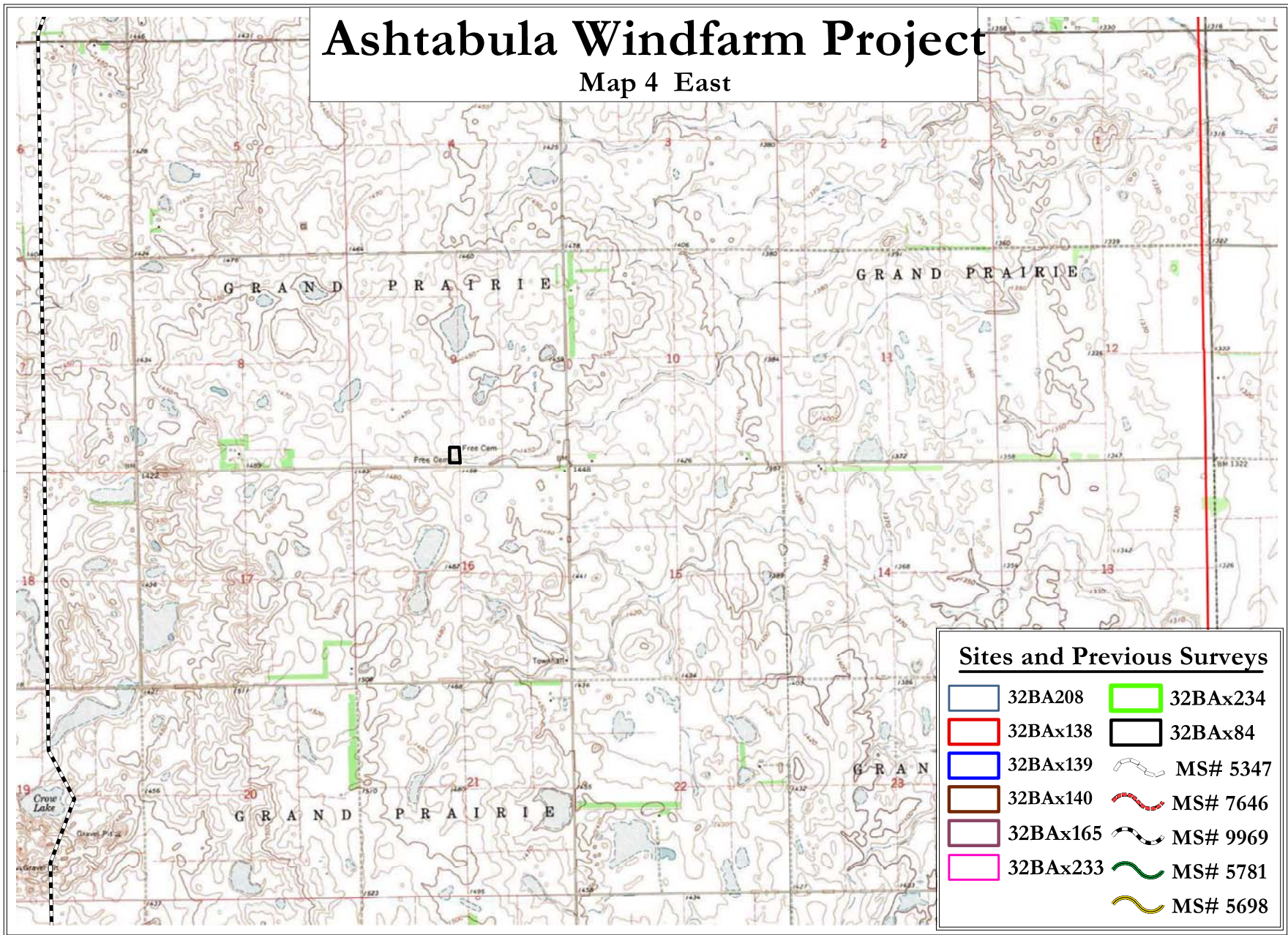
Ashtabula Windfarm Project

Map 3 East



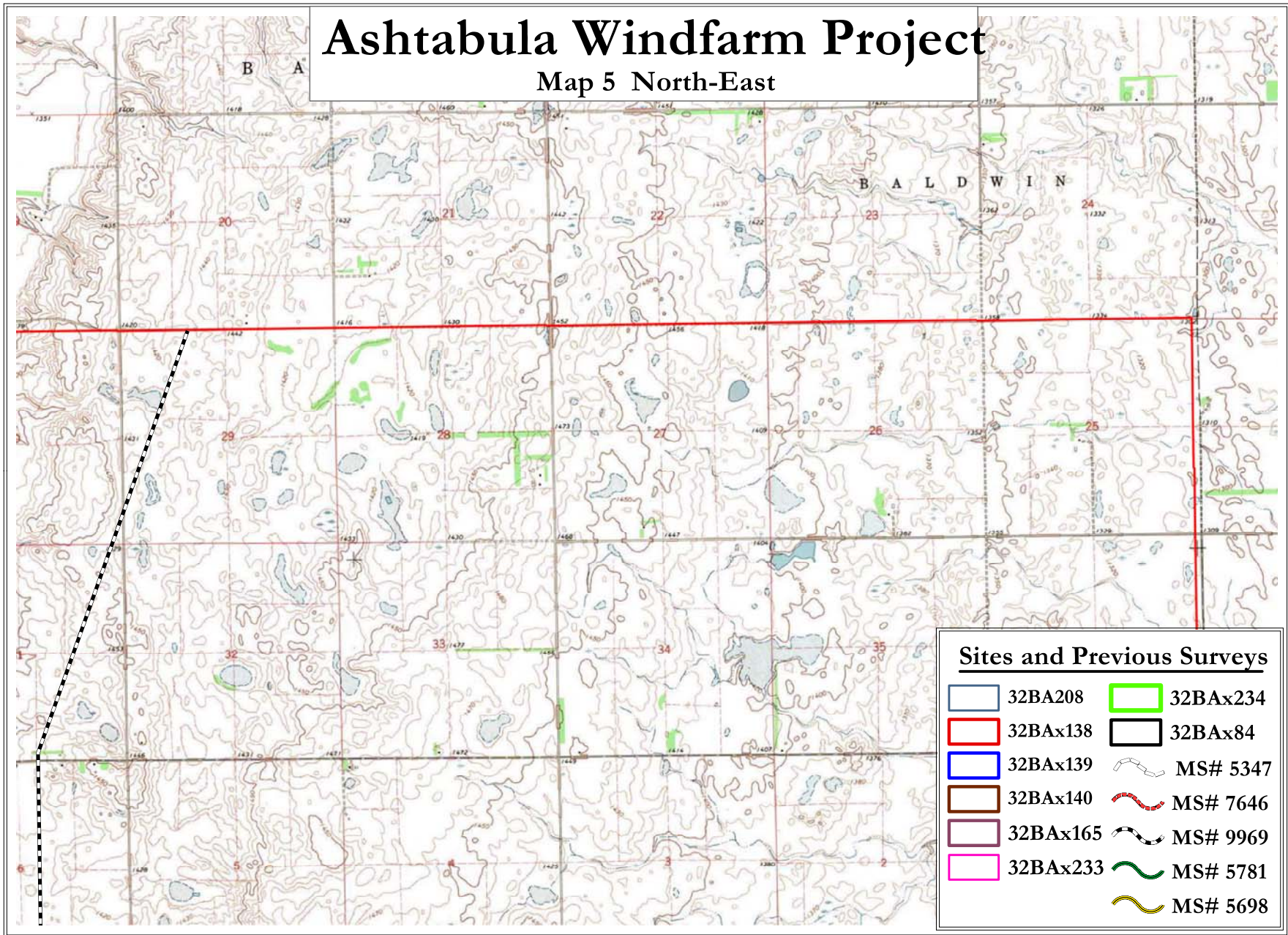
Ashtabula Windfarm Project

Map 4 East



Ashtabula Windfarm Project

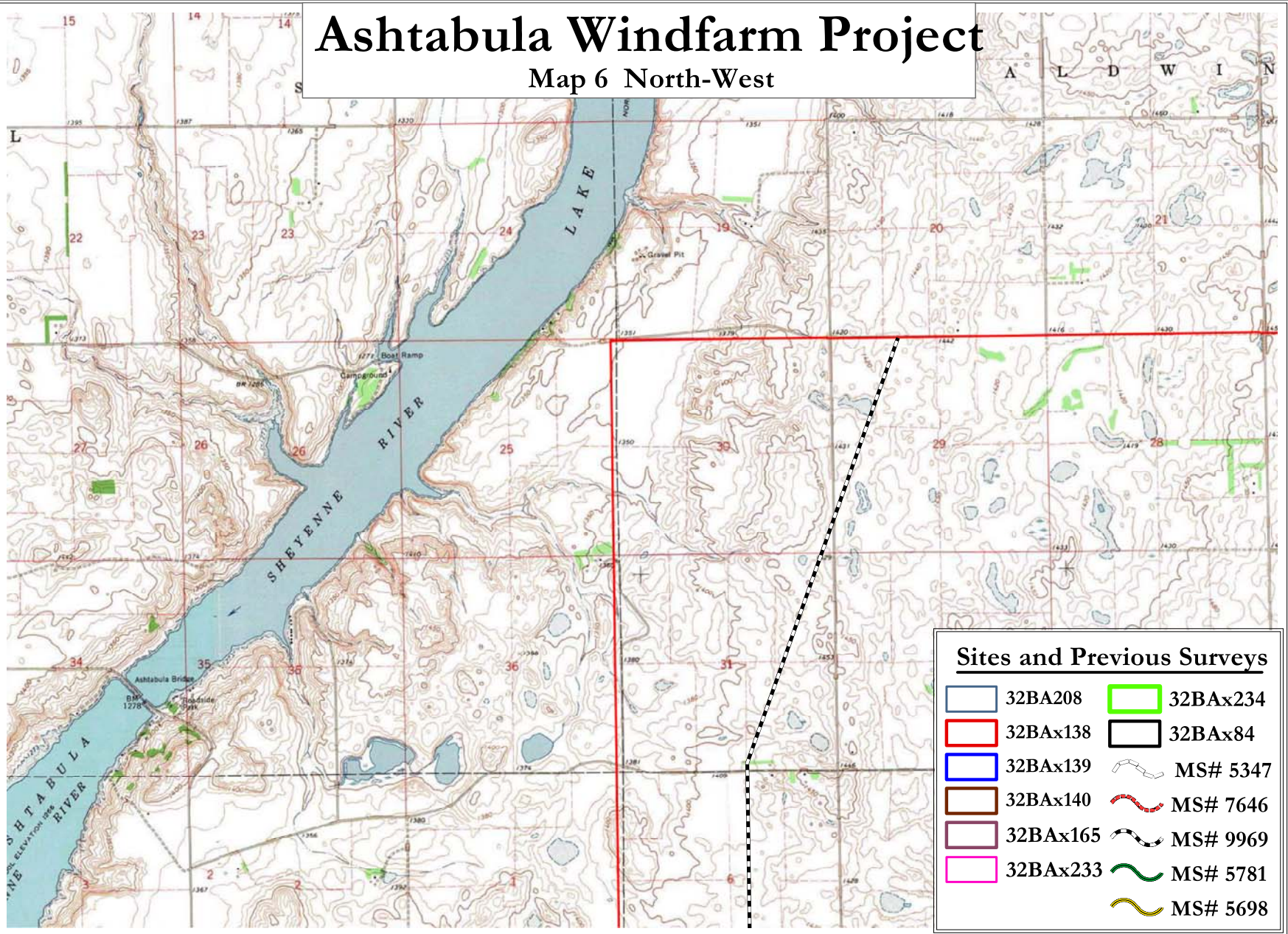
Map 5 North-East
















Ashtabula Windfarm Project

Map 6 North-West

A L D W I N

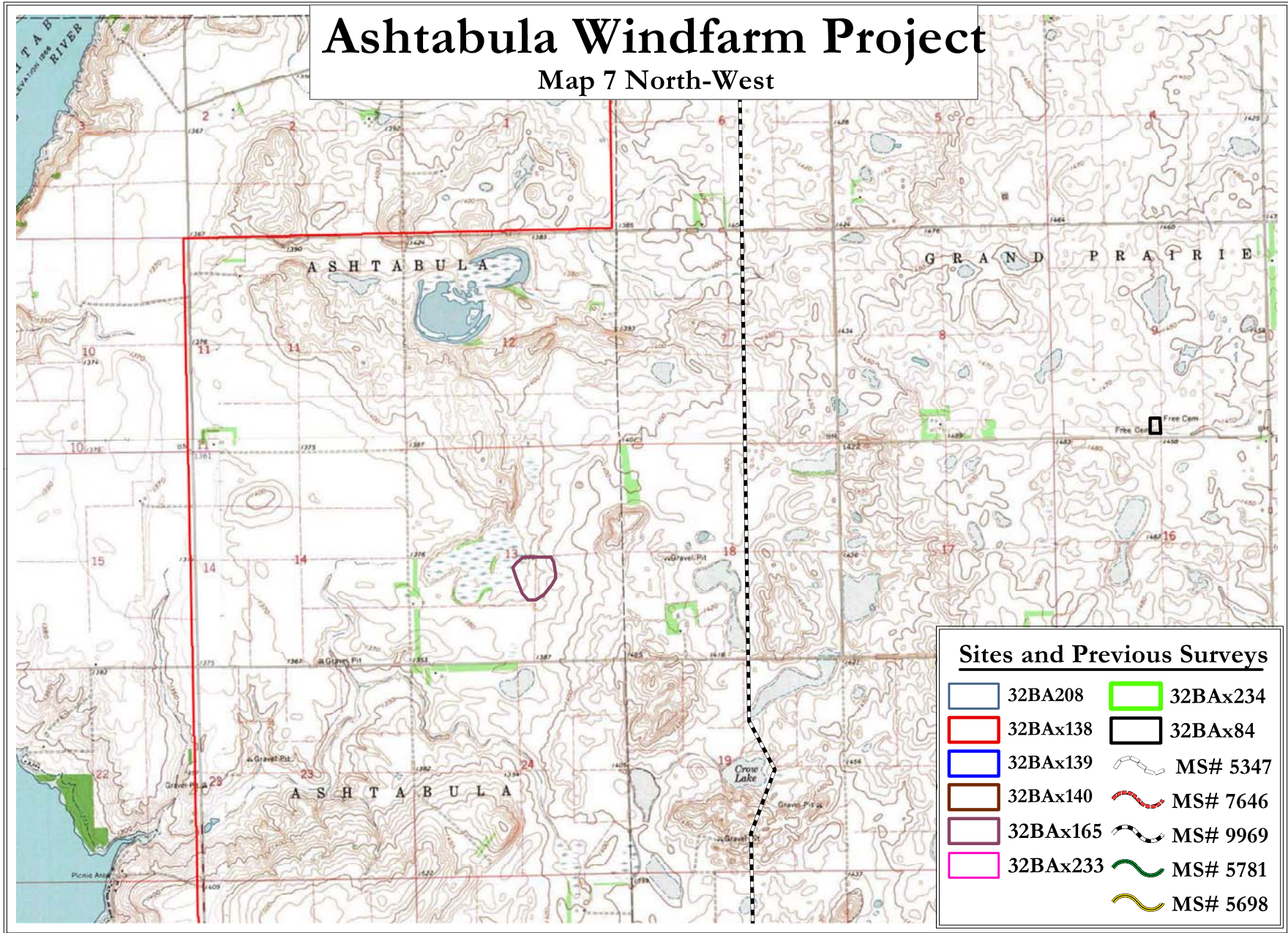


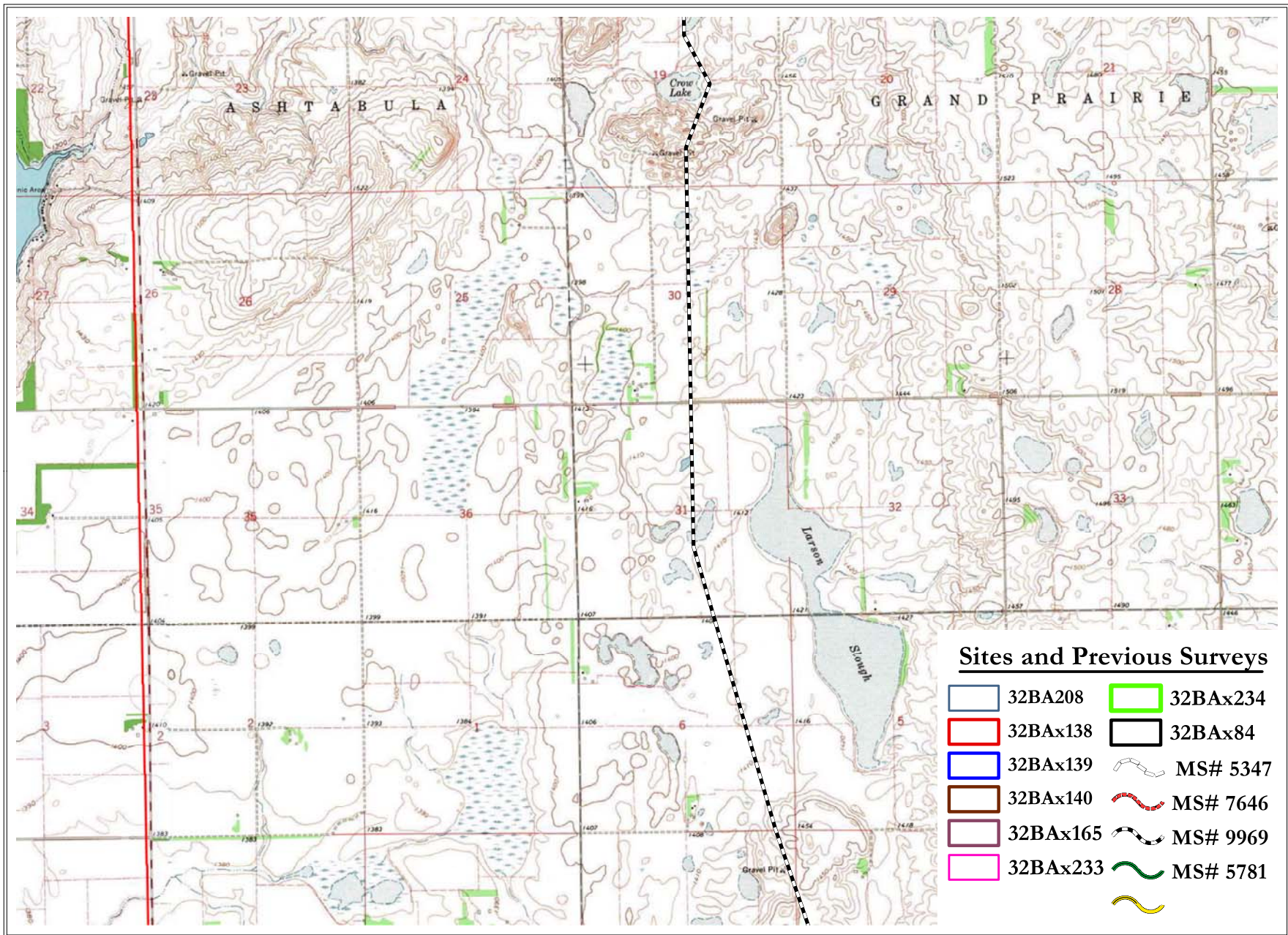
Sites and Previous Surveys

- | | |
|--|--|
|  32BA208 |  32BAx234 |
|  32BAx138 |  32BAx84 |
|  32BAx139 |  MS# 5347 |
|  32BAx140 |  MS# 7646 |
|  32BAx165 |  MS# 9969 |
|  32BAx233 |  MS# 5781 |
| |  MS# 5698 |

Ashtabula Windfarm Project

Map 7 North-West





Final Fall Avian Survey

Ashtabula Wind Resource Area
Barnes County, North Dakota



Prepared for
FPL Energy, LLC

January 2008



TETRA TECH EC, INC.

EXECUTIVE SUMMARY

Tetra Tech, EC, Inc. (TtEC) was contracted by FPL Energy, LLC (FPLE) to undertake fall avian use surveys for the proposed Ashtabula Wind Resource Area (WRA) in Barnes County, North Dakota. The studies were conducted to identify potential avian impacts associated with building and/or operating the wind conversion facility. Birds have been identified as a group potentially at risk because of collisions with wind turbines and power lines and displacement due to the presence of the associated structures. Weekly fall surveys were performed at the Ashtabula WRA from August 30 to November 4, 2007. Fixed point count surveys (800-meter radius) were conducted at 12 points distributed throughout the Ashtabula WRA.

A total of 61 identified species and 9 groups (that could not be identified to species), consisting of 29,895 birds from 13 species groups, were observed within the Ashtabula WRA. Overall mean bird use within the Ashtabula WRA was 226.48 birds/20 min, ranging from 0 to 7,000 birds per 20-minute point count. Comparing bird use rates in fall for existing wind energy facilities throughout the country, the Ashtabula WRA ranked ninth out of 16 for raptor use, and first out of 8 for non-raptor use.

Songbirds had the highest mean use out of all species groups observed (118.24 birds/20 min). The most commonly observed species, the red-winged blackbird (67.01 birds/20 min), common grackle (15.57 birds/20 min), and horned lark (7.63 birds/20 min) are all widespread species and have relatively stable populations. Thus, local mortality is not expected to have population level consequences for most species observed. Many blackbird species are regarded as agricultural pests and are unlikely to elicit concern from wildlife agencies.

Waterfowl also had very high mean use (84.58 birds/20 min). Commonly observed species included the Canada goose (41.66 birds/20 min) and mallard (22.17 birds/20 min). Among the remaining species groups mean use was low (< 1.0 birds/20 min). Lake Ashtabula is a potential breeding and staging area for waterfowl and other water birds, shorebirds, and wading birds. The Ashtabula WRA also contains smaller bodies of water including Larson Slough and Adams Slough. In post-construction mortality studies at other wind resource areas, waterfowl mortality was generally low. Canada goose mortality in particular is very rare at wind farms. However, waterfowl mortality increased at sites with significant sources of open water near turbines. Due to the large numbers of waterfowl observed during the fall survey, waterfowl mortality could result, but should not have population level impacts because high rates of waterfowl mortality have not been documented.

Red-tailed hawks and northern harriers were the most commonly observed raptor species during the fall avian survey. Red-tailed hawks, the major contributor to overall raptor use (0.28 birds/20 min), were observed in 19.7 percent of all surveys. Red-tailed hawks have a propensity to fly within the rotor swept area (RSA), and as a result are at risk of being killed by turbines. Harriers were also commonly observed (0.11 birds/20 min), but because of their propensity to fly below the RSA, their risk of mortality from collisions is low.

Listed and Sensitive Species

The United States Fish and Wildlife Service indicated that there is a potential for federally endangered whooping crane to migrate through the Ashtabula WRA. Whooping cranes often travel with sandhill cranes, and sandhill cranes visited the Ashtabula WRA. TtEC suggests performing crane surveys to assess the possibility of the endangered whooping crane using the Ashtabula WRA.

The American white pelican, Franklin's gull, northern harrier, Swainson's hawk, and sharp-tailed grouse are all listed as State Species of Conservation Priority in North Dakota by the North Dakota Game and Fish Department and were observed during surveys. Additionally, the northern pintail and prairie falcon were seen only as incidental observations. All of the species observed during point counts had low encounter rates (birds flying through the RSA/20 min), and therefore population level impacts are not expected if these numbers are representative of use during other times of the year.

Recommendations

The greatest potential impact of the Ashtabula WRA on avian species is direct mortality or injury from collisions with turbines and associated overhead transmission lines and loss of habitat. TtEC recommends standard best management practices, siting turbines away from points count locations 5 and 10 and additional studies. Specifically, we recommend conducting raptor nest, crane, sharp-tailed grouse lek, and spring avian surveys to understand and minimize potential impacts to avian species. We also recommend conducting post-construction mortality monitoring after the facility is constructed.

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1.0 INTRODUCTION

FPL Energy, LLC (FPLE) is planning to develop a wind energy conversion facility in Barnes County, North Dakota. The Ashtabula Wind Resource Area (WRA) is located in eastern North Dakota, north of the town of Valley City (Figure 1). FPLE is committed to environmental due diligence and has contracted Tetra Tech EC, Inc. (TtEC) to conduct a fall avian migration survey at the Ashtabula WRA to quantify local avian use in the area and to identify potential avian impacts associated with building and/or operating the proposed facility.

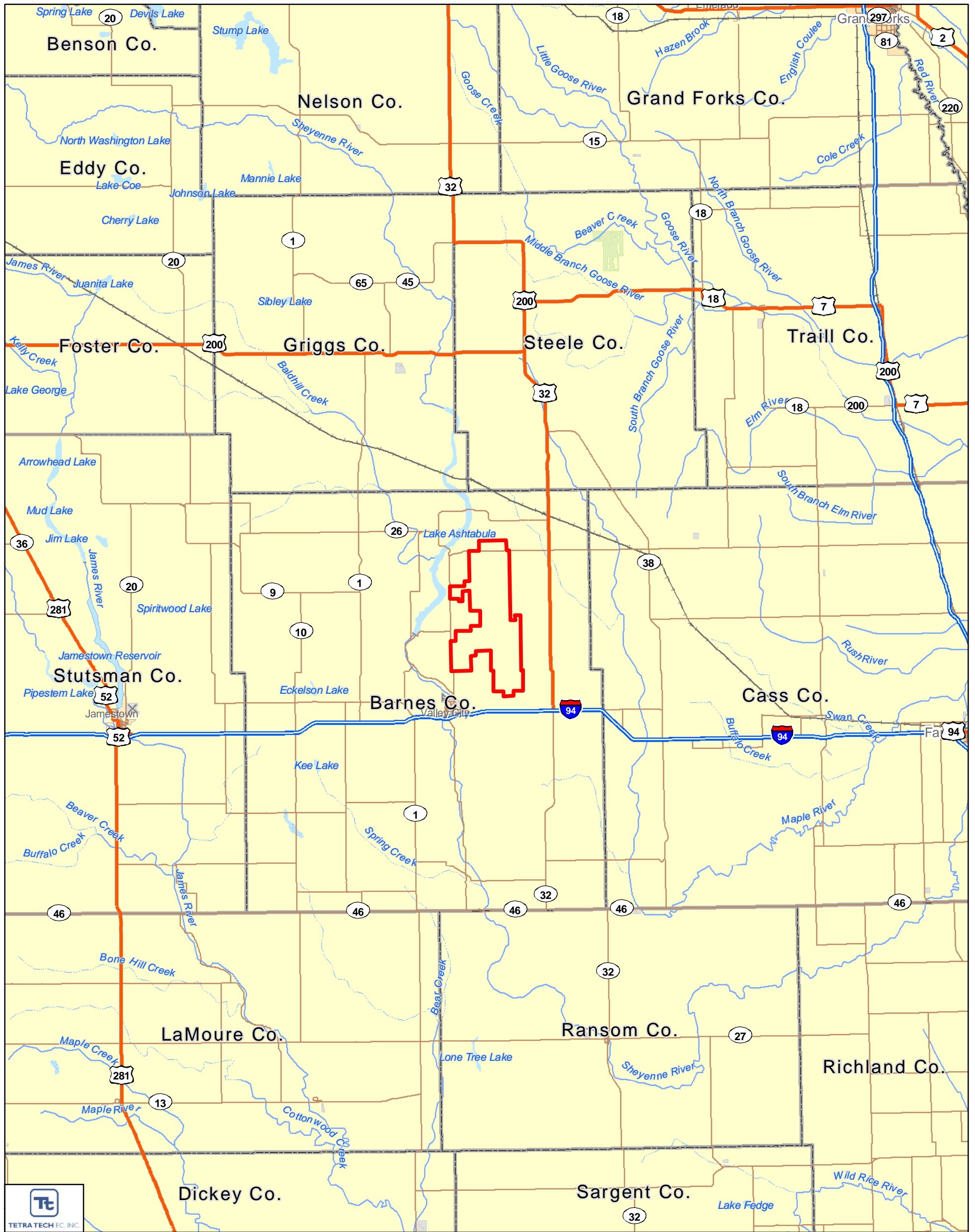
The Ashtabula WRA is 56,956 acres and is located approximately 1.6 miles east of Ashtabula Lake. The Ashtabula WRA is located in the Northeastern Glaciated Drift Planes ecoregion, and is characterized by a flat to rolling landscape. This region receives 17 to 19 inches of precipitation a year and has numerous temporary and seasonal wetlands. Land use within the Ashtabula WRA is primarily cropland. Patches of trees and shrubs exist throughout the area and are found primarily between agricultural fields, in riparian areas, and around homesteads.

Wind energy provides a clean, renewable energy source that is in high demand. As wind power has become more common, the need to address potential environmental impacts has increased. Birds have been identified as a group potentially at risk because of collisions with wind turbines and power lines and displacement due to the presence of the associated structures (Erickson et al. 2005, Drewitt and Langston 2006). Specifically, raptors and migrant passerines (e.g., songbirds) were found more often in post-construction mortality monitoring compared to other groups of birds (Erickson et al. 2005, Drewitt and Langston 2006).

To evaluate avian risk at wind energy facilities, standardized protocols for pre-construction point counts have been established and were used here. Data collected from these counts can then be used to identify species or species groups of concern and may provide additional information for micro-siting to minimize impacts to birds. To facilitate identifying species at risk, results in this report are presented in terms of species groupings, and highlight federally listed species, state listed species, and species of concern.

In North Dakota, 353 bird species have been documented (Faanes and Stewart 1982). North Dakota, and the Ashtabula WRA, are situated within the Central Flyway, which is one of the main bird migratory routes in the United States (BNC 2004). Most birds that move along the Central Flyway through the central United States, eventually reach the Gulf Coast from Texas to Florida (BNC 2004).

P:\GIS\2007 PROJECTS\FPL_Ashtabula\maps\AVian_Survey\FPL_Ashtabula_Figure1_120607.mxd



Tt
TETRA TECH FC, INC.

North Arrow

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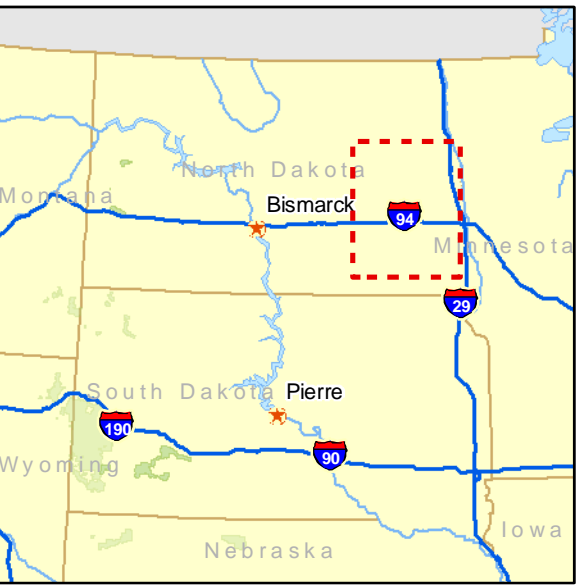
0 10 20
Miles

FPL Energy

December 5, 2007

Figure 1. Ashtabula Vicinity Map Barnes County, North Dakota

Project Area	Transportation
Reference	Limited Access
County Boundary	Highway
Water Bodies	Major Road
Rivers/Streams	
Lakes/Reservoirs	



2.0 METHODS

2.1 Diurnal Fixed-point and Incidental Avian Use Surveys

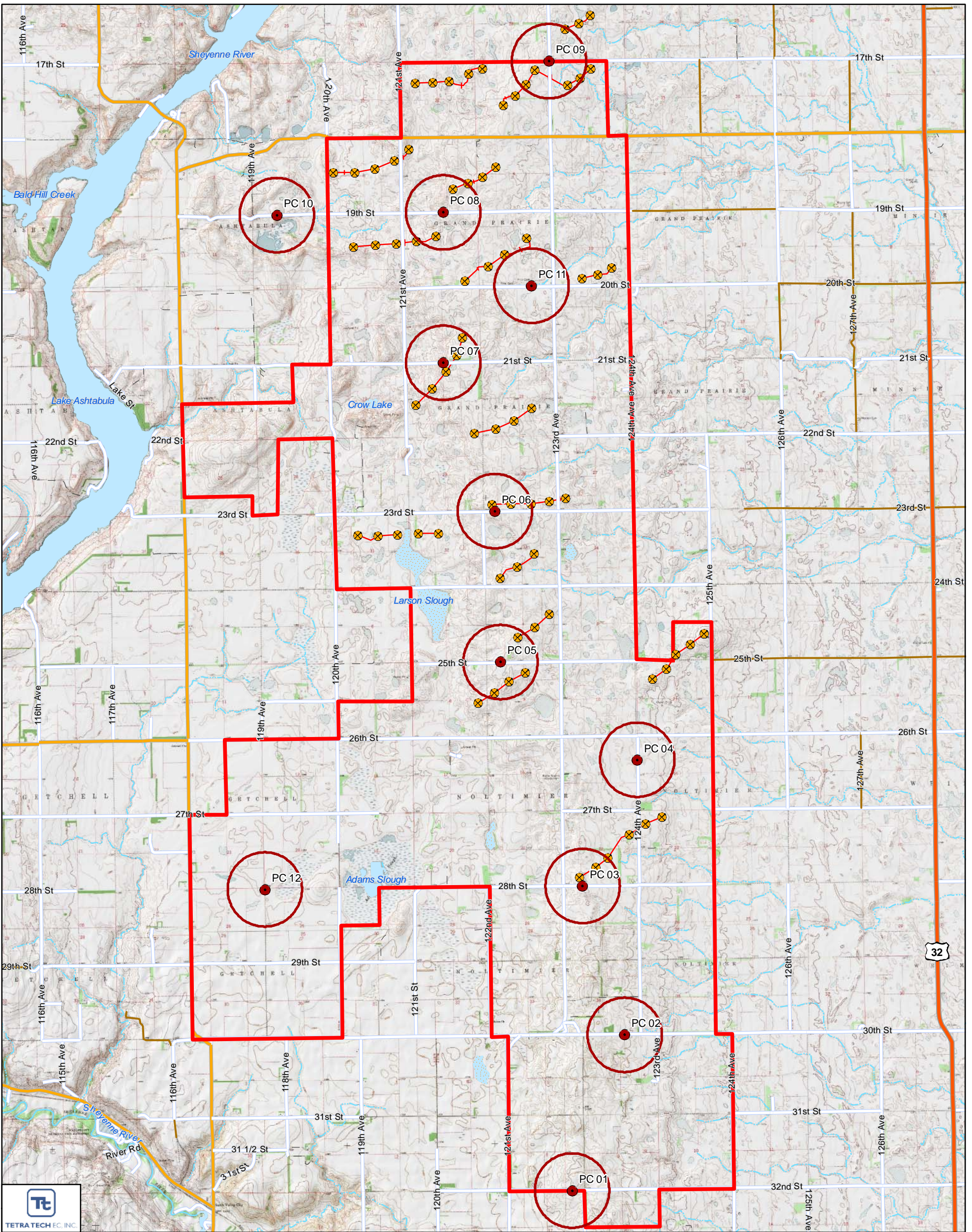
Fixed-point Surveys

Avian point count surveys were conducted to evaluate avian use, behavior, and species composition during fall migration at the Ashtabula WRA. Fixed-point surveys (described below) were conducted for 20 minutes at 12 circular plots (Figure 2). Survey dates and locations of survey points were selected to occur during migration, to cover a diversity of habitats, and to ensure the best possible viewshed. Fall surveys were conducted weekly between August 30 and November 4 (Table 1).

Data were collected on all birds observed within an 800-meter radius circle centered on the point count location. Birds outside the 800-meter radius circle were recorded as incidentals (see below). Surveys at each point lasted for 20 minutes, during which time the observer continuously scanned for birds and recorded any visual or auditory observations. Point counts were conducted sequentially, by one observer. Counts were scheduled to cover all daylight hours. Data that were recorded and used in the analysis include species, number of individuals, time, height above ground, behavior, and flight direction. The order in which point count locations were surveyed differed among weeks to account for species variation during the day. Flight heights and distances from the observer were estimated by experienced field ornithologists, who had existing meteorological towers, local transmission lines, and topographic maps available for reference.

The survey protocol used in this study was designed to collect data on all bird species and to provide results that are comparable with other studies of avian use at wind farms (see discussion), rather than to target specific taxa. The benefit of using this method is that it estimates avian use throughout the day and captures activity by a variety of bird species. During the breeding season, songbirds are most active in the morning and can be difficult to detect during the afternoon. In contrast, raptors become active as the sunlight heats the air and creates thermals, which individuals use for soaring (Ballam 1984). Raptors, therefore, are more readily detected several hours after sunrise. Thus, the survey method used in this study is appropriate for the bird communities using the Ashtabula WRA.

Twenty-minute survey periods were selected because they provide adequate time to detect both raptors and non-raptors. However, time periods of 20 minutes may lead to double-counting of songbirds (i.e., counting the same individual more than once) because individuals may appear and disappear from view. For example, if a horned lark is detected perched on a fence then disappears from view, and 6 minutes later, a horned lark is seen flying, these birds are recorded as separate observations because it is not possible to distinguish individuals. Double-counting of birds is not problematic for this type of



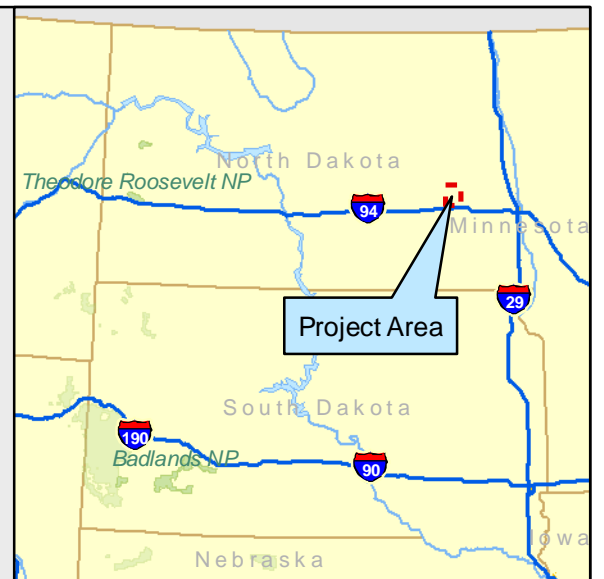
Scale: 1:80,000

0 1 2 Miles

December 19, 2007

Figure 2. Ashtabula Avian Survey Points Barnes County, North Dakota

- Avian Survey Points
 - 800m Buffer Avian Survey Points
 - ✕ Proposed Turbines 10/25/2007
- Water Bodies**
- ~ Perennial Stream
 - ~ Intermittent Stream
 - ~ Lakes/Reservoirs
- Transportation**
- Highway
 - Major Road
 - Local Road
 - Minor Road
 - - Trail
 - Service Roads



survey because the objective is to document use in terms of number of birds noted per 20-minute survey, not number of distinct individual birds.

Detectability varies among species and potentially not all individuals within the 800-meter survey were counted. This variation in detectability results in an overestimate of mean use in conspicuous species and an underestimate of mean use in reclusive species (Thompson 2002). Birds not easily identifiable, such as those seen under low light conditions, were identified to the lowest taxonomic level possible. Hence, unidentified birds are presented in the results.

Incidental Observations

Incidental observations were those recorded outside of the official 20-minute survey period and beyond 800 m from the point count sites. Incidental observations included observations that occurred 1) during travel between points, 2) before or after the official 20-minute survey period, and 3) outside the 800-meter radius circular plot. These observations were recorded on separate data sheets and were not used in the formal analysis; however, a summary of incidental birds is presented to provide additional information about species found in the local area.

Data Quality Assurance/Quality Control (QA/QC)

QA/QC measures were implemented during all stages of data collection, analysis, and report preparation. To ensure legibility and completeness of data sheets, each observer reviewed, and clarified if needed, all data sheets before data entry into a Filemaker™ relational database for data storage and analysis. Prior to analysis, an independent reviewer conducted a 100 percent quality review of the data entries. Any questions that arose at this time were directed toward and answered by field personnel.

2.2 Analysis

Species Groupings

Two primary groups of interest were considered: raptors and non-raptors. Raptors were defined as vultures, hawks, eagles, falcons, and owls. Although vultures are more closely related to storks, their flight behavior is similar to raptors and they are often included as raptors in other studies; therefore, they have been included as raptors for the purpose of the analyses. Non-raptors were defined as all other species groups.

Avian Use of the Ashtabula WRA

Avian use of the Ashtabula WRA was derived by calculating the average number of birds observed per point count location. To evaluate the diversity and composition of avian species using the Ashtabula WRA, the number of individuals and species were summarized. In addition, the number of observations is also presented, where an observation can be either an individual bird or a discrete flock of birds. This information helps evaluate if a high mean use is driven by a single event (e.g., flock of birds moving through the rotor swept area).

Flight Behavior

Flight behavior was evaluated by calculating the proportion of flying birds that were observed below, within, or above the turbine rotor swept area (RSA). Turbines proposed for this site are Clipper 2.5 megawatt. Therefore, an RSA between 32 and 128 meters above ground was used. A bird was considered to have flown within the RSA if any of its recorded heights overlapped the RSA. That is, if a bird flew at heights that correspond to the RSA at any time during the survey, it was considered to have occurred within the RSA.

Encounter Rate

To estimate the rate at which a species flies through the anticipated RSA, the following equation was applied to each species observed in the Ashtabula WRA:

$$\text{Encounter Rate} = A * P_f * P_t$$

where A is the mean number of birds/20 min for a given species, P_f is the proportion of the species observed flying; and P_t is the proportion of the flying observations that were within the turbine RSA. The encounter rate provides information on the rate at which a species moves through the RSA. This information is an important component in evaluating risk; however, this number alone does not indicate risk to a species.

3.0 RESULTS

3.1 Ashtabula WRA

About 2.4 square miles of the Ashtabula WRA were surveyed during point count surveys. The 12 point count locations were surveyed 11 times, which resulted in 132 total 20-minute surveys.

3.2 Species Composition

A total of 29,895 birds of 61 identified and 9 unidentified species groups were recorded during 132 fixed-point count surveys. The most frequently observed birds were the red-winged blackbird (29.6 percent of all birds observed), Canada goose (18.4 percent), mallard (9.8 percent), common grackle (6.9 percent) and unidentified duck (4.9 percent; Table 2). Each remaining species comprised 4 percent or less of the total number of birds observed.

3.3 Avian Use

Overall mean bird use within the Ashtabula WRA was 226.48 birds/20 min, ranging from zero to 7,000 birds per 20-minute point count. Mean use by non-raptors was 225.93 birds/20 min. The non-raptors with the highest mean use were the red-winged blackbird (67.01 birds/20 min), Canada goose (41.66 birds/20 min), mallard (22.17 birds/20 min), common grackle (15.57 birds/20 min), and unidentified duck (11.04 birds/20 min; Table 2). Mean use was above 300 birds/20 min on the October 14, 28, and November 11 surveys (Figure 3). Two species, the Canada goose and mallard, were the primary contributors to high mean use on these 3 survey dates. Species that contributed to high

mean use on October 14 were the Canada goose (1,022 individuals), red-winged blackbird (636 individuals), horned lark (621 individuals), mallard (606 individuals), unidentified blackbird (591 individuals), American coot (420 individuals), common grackle (260 individual), ring-necked duck (170 individuals), and ruddy duck (120 individuals). Species that contributed to high mean use on October 28 were the red-winged blackbird (7,300 individuals), Canada goose (1,219 individuals), mallard (600 individuals), and horned lark (203 individuals). Species that contributed to high mean use on November 4 were the Canada goose (1,887 individuals), mallard (950 individuals), common grackle (800 individuals), snow bunting (548 individuals), and snow goose (200 individuals). Mean use for non-raptors was highest at point 5 (approximately 758 birds/20 min) and point 10 (approximately 866 birds/20 min; Figure 4).

Among species groups, mean use was highest for songbirds (118.24 birds/20 min). The top species, red-winged blackbirds (67.01 birds/20 min) accounted for 56.7 percent of individuals in this species group. Other songbirds commonly observed included common grackle (15.57 birds/20 min), unidentified blackbird (8.32 birds/20 min), horned lark (7.63 birds/20 min), unidentified passerine (6.90 birds/20 min), tree swallow (4.37 birds/20 min), and snow bunting (4.15 birds/20 min; Table 3). Waterfowl had the second highest mean use (84.58 birds/20 min) and included the Canada goose (41.66 birds/20 min) and mallard (22.17 birds/20 min). Among the remaining species groups, mean use was low (< 1.0 birds/20 min).

Raptors, because of their propensity to fly at heights similar to those encompassed by a turbine RSA, are a group of special interest. Overall mean use for raptors was 0.55 birds/20 min. The raptor species with the highest use was the red-tailed hawk (0.28 birds/20 min). Species with lower use included the northern harrier (0.11 birds/20 min) and unidentified hawk (0.07 birds/20 min). Mean use for each other raptor species was 0.03 birds/20 min or fewer and included the American kestrel, merlin, great horned owl, unidentified falcon, Swainson's hawk, and rough-legged hawk. On October 9, mean use (1.17 birds/20 min) was notably higher than overall mean use for raptors and included 8 red-tailed hawk observations (Figure 5). Mean use by raptors was lower than 1.0 birds/20 min on all other survey dates and was very low at the beginning (August 30) and end (October 28 - November 4) of the fall survey period. Mean use by raptors varied among point count locations and ranged from 0.09 birds/20 min at point 10 to 0.91 birds/20 min at point 8 (Figure 6).

3.4 Frequency of Occurrence

Songbirds were present in all survey points and were widely distributed throughout the Ashtabula WRA (Table 4). The red-winged blackbird (34.1 percent of all surveys), barn swallow (16.7 percent), unidentified blackbird (15.9 percent), and horned lark (15.9 percent) occurred most often (Table 3). Each other passerine species was detected in less than 10 percent of surveys.

Figure 3: Mean non-raptor use by survey date (fall 2007)

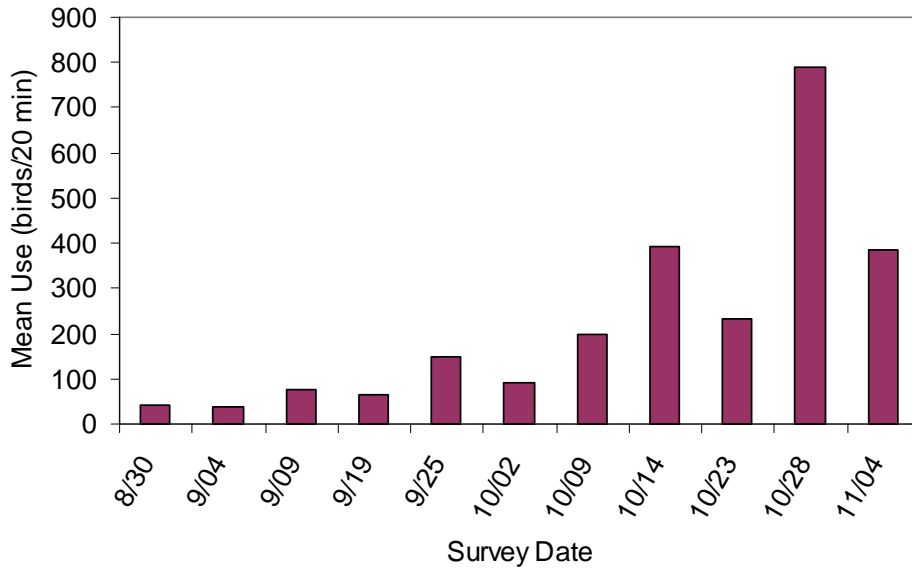
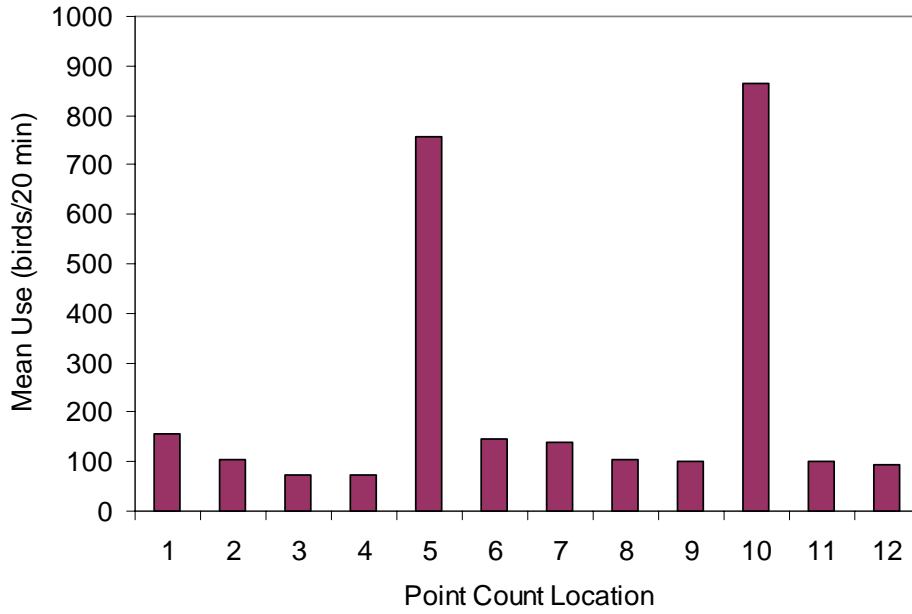


Figure 4: Mean non-raptor use by point count location (fall 2007)



Waterfowl were the second most common species group observed during fall surveys. The Canada goose (31.1 percent of all surveys), mallard (15.9 percent), and unidentified duck (15.2 percent) were observed regularly (Table 3). Each remaining waterfowl species was detected in less than 5 percent of surveys.

Raptors were the third most common species group observed during the fall surveys. Among raptors, red-tailed hawks (19.7 percent of all surveys) and northern harriers (9.1 percent) were most prevalent (Table 3). Red-tailed hawks were observed at all point count locations except point 12 (Table 4).

3.5 Flight Height and Encounter Rate

During fall avian use surveys, behavioral data were collected for 100 percent of all birds observed during point count surveys. Of these birds, 36.4 percent were observed flying with flight height and flight direction data available for 100 percent of the observations. For flying raptor species, 57.9 percent flew below the anticipated RSA and 42.1 percent flew within the RSA (Table 5). For all other species, 56.0 percent occurred below the anticipated RSA, 42.9 percent flew within the RSA, and 1.1 percent flew above the RSA (Table 5).

The ring-billed gull had the highest encounter rate (6.82 birds flying within the RSA/20 min), followed by unidentified passerine (5.71 birds flying within the RSA/20 min), Canada goose (5.21 birds flying within the RSA/20 min), double-crested cormorant (3.38 birds flying within the RSA/20 min), unidentified duck (2.89 birds flying within the RSA/20 min), snow bunting (2.65 birds flying within the RSA/20 min). All remaining species had encounter rates of <2.0 bird/20 min (Table 6). Raptor encounter rates were low, of these red-tailed hawks had the highest encounter rate (0.14 birds flying within the RSA/20 min).

Figure 5: Mean raptor use by survey date (fall 2007)

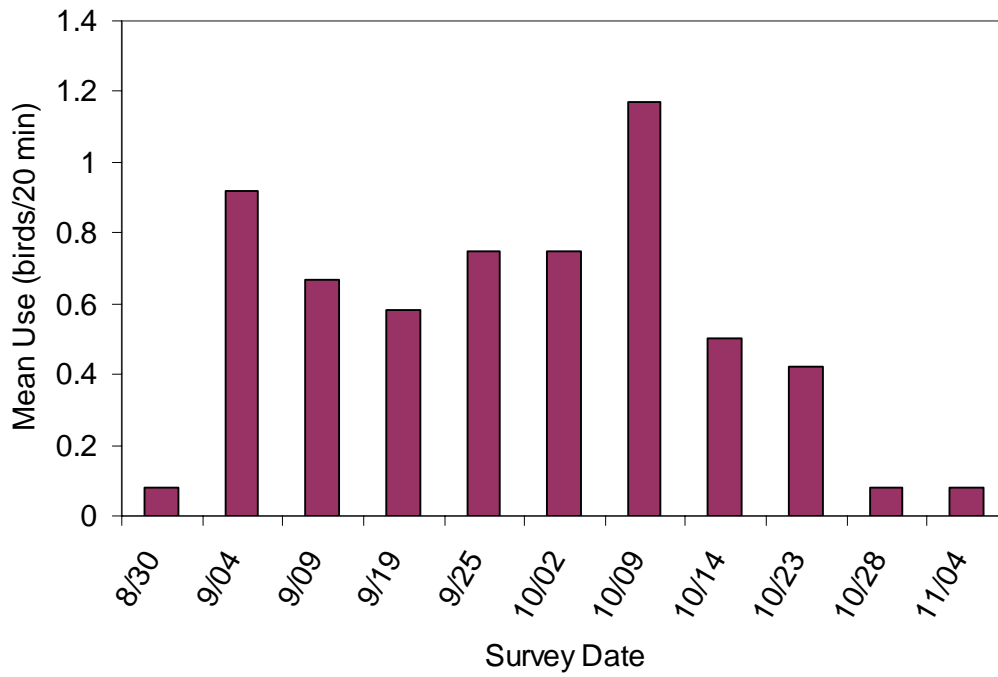
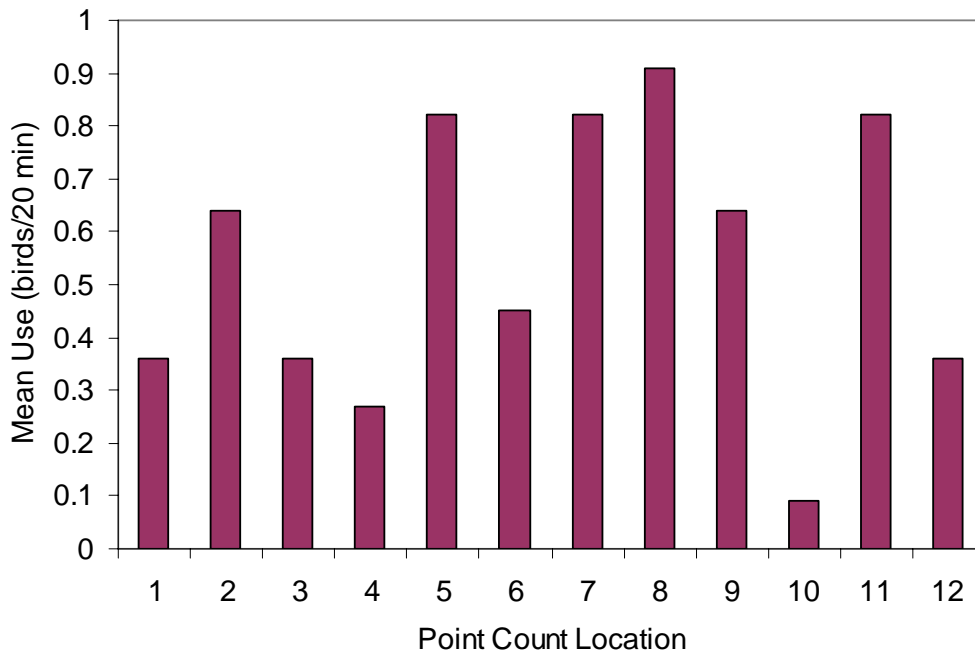


Figure 6: Mean raptor use by point count location (fall 2007)



3.6 Flight Direction

No patterns emerged in overall bird flight direction; however, patterns did occur with some of the most abundant bird species. Red-winged blackbirds were commonly seen flying north (55.8 percent of the time seen flying; Table 7). Canada geese flew predominately east (46.0 percent). Unidentified blackbirds commonly flew east (48.0 percent) and southwest (30.5 percent).

3.7 Incidental Surveys

During incidental spring surveys, field personnel documented 51 species, and a total of 20,894 birds (Table 8). Red-winged blackbirds were the most commonly recorded species during incidental surveys within the Ashtabula WRA (18,000 birds). Seven species, the American pipit, blue jay, dark-eyed junco, greater yellowlegs, northern shrike, prairie falcon, and semipalmated sandpiper, were documented as incidentals but were not detected during fall point count surveys. Several raptor species were observed both as incidentals and during the point count surveys including the American kestrel, northern harrier, red-tailed hawk, and Swainson's hawk.

4.0 DISCUSSION AND RECOMMENDATIONS

4.1 Raptor Use and Encounter Rate

Overall raptor use at the Ashtabula WRA was moderate during the fall 2007 surveys (0.55 birds/20 min). Mean raptor use was relatively consistent throughout the survey period, although was very low at the beginning (August 30) and end (October 28 - November 04). On October 9, mean use (1.17 birds/20 min) was notably higher than overall mean use for raptors and included 8 red-tailed hawk observations. Raptor use varied among point count locations but was <1.0 birds/20 min at each point suggesting that there are no areas of high raptor concentrations. These results could be due to weather patterns that influence raptor activity or raptor use increased during migration.

The Ashtabula WRA ranked ninth out of 16 when compared to fall raptor use rates reported for existing wind energy facilities throughout the country (Table 9). Because studies of avian use do not share identical methodologies (e.g., length of survey period), comparisons of avian use represent generalizations only. High raptor use has been associated with high raptor mortality at wind farms (Erickson 2007). However, the conclusion is based on two data points for high raptor use (>2.0 birds/20 minutes). Similarly, raptor mortality appears to be low when raptor use is low (<1.0 birds/20 min; Erickson 2007). Continued monitoring and additional analysis of encounter rate and post-construction mortality data will help elucidate the relationship between these two variables.

Red-tailed hawks, the major contributor to overall raptor use, were seen throughout the Ashtabula WRA. Red-tailed hawks had the highest encounter rate of all raptors (0.14 birds flying within the RSA/20 min). This represents a low overall encounter rate indicating that there should be low levels of mortality. However, based on the propensity

of red-tailed hawks to fly within the RSA, coupled with mortality records from other wind farms, they are at risk of being killed by wind turbines (Erickson et al. 2004). Because red-tailed hawks are widespread and the populations are increasing across the United States (Poole 2005), population level impacts are unlikely to result from collisions with wind turbines at the Ashtabula WRA.

Several other raptor species with lower encounter rates were observed in the Ashtabula WRA. The northern harrier, a Level II North Dakota State Species of Conservation Priority (see *Listed and Sensitive Species* section), was the second highest contributor to overall raptor use; however, this species has a very low encounter rate (0.01 birds flying within the RSA/20 min). This is a result of northern harrier's propensity to fly below the RSA (96.4 percent observed flying below the RSA) coupled with low mean use. American kestrels, merlins, great horned owls, Swainson's hawks, and rough-legged hawks were also observed at the Ashtabula WRA (Table 3). All had relatively low encounter rates (0.01 or fewer birds flying within the RSA/20 min) due to their low number of observations and the fact that, when observed flying, they were below the RSA (Table 6). The Swainson's hawk is a Level I North Dakota State Species of Conservation Priority (see *Listed and Sensitive Species* section).

4.2 Non-Raptor Use and Encounter Rate

Overall use by non-raptors at the Ashtabula WRA was very high in the fall 2007 surveys (225.93 birds/20 min). Mean non-raptor use increased in October and began to decline at the end of the fall survey period in November. Red-winged blackbirds, Canada geese, mallards, and common grackles (all common during the surveys) form flocks during the non-breeding season and often forage and travel in large groups. Flock size may be increased when individuals that bred outside of the area join the group for the winter. High non-raptor use was detected at point 10 (9,528 total non-raptors) and included high numbers of Canada geese, mallards, unidentified ducks, coots, ruddy ducks, unidentified gulls, European starlings, and redheads. Point 10 is located near Lake Ashtabula, which accounts for the high numbers of waterfowl. Point 5 also had high non-raptor use (8,344 total non-raptors) and included red-winged blackbirds, common grackle, unidentified blackbirds, and snow buntings. The habitat near point 5 is characterized by pastureland and is in close proximity to Larson Slough, which provides both foraging and roosting habitat for the most commonly observed species at this point.

The Ashtabula WRA ranked first out of 8 when compared to fall non-raptor use rates reported for existing wind energy facilities throughout the country (Table 9). Songbirds had the highest mean use out of all groups (118.24 birds/20 min), and waterfowl had the second highest (84.58 birds/20 min). Mean use was less than 0.1 birds/20 min for each remaining non-raptor species groups. The most commonly observed species, the red-winged blackbird (67.01 birds/20 min), Canada goose (41.66 birds/20 min), mallard (22.17 birds/20 min), and unidentified duck (11.04 birds/20 min) all had high encounter rates because they regularly flew through the RSA and had high mean use. The common grackle, also observed regularly (15.57 birds/20 min), had a low encounter rate despite high mean use because individuals did not regularly fly through the RSA.

The highest encounter rates for non-raptors were found for the ring-billed gull, unidentified passerine, Canada goose, and double-crested cormorant. Encounter rates were high for the ring-billed gull (6.82 birds flying within the RSA/20 min), unidentified passerine (5.71 birds flying within the RSA/20 min), and double-crested cormorant (3.38 birds flying within the RSA/20 min) because mean use was high and these species almost always flew within the RSA. Conversely, Canada geese (5.21 birds flying within the RSA/20 min) flew less often in the RSA, but had a high encounter rate because of their high mean use.

Red-winged blackbirds had the highest mean of all species. Land use within the WRA is predominantly agricultural and contains areas of suitable breeding habitat. Red-winged blackbirds tend to travel in flocks during the non-breeding season containing large numbers of birds. Within the United States, blackbirds are very abundant, exhibiting broad stable populations, and often managed as a pest species in agricultural settings (Yasukawa and Searcy 1995), consequently, fluctuation in their local populations elicit very little concern from wildlife agencies. Additionally, in a post-construction fatality monitoring survey conducted at the High Winds project at the Montezuma Hills in California, where blackbird use has been shown to be exceptionally high, only two red-winged blackbird fatalities were recorded during the year long survey (Kerlinger et al. 2005).

Waterfowl were a primary contributor to high mean non-raptor use. However, the high use rates are unlikely to translate into high mortality rates for waterfowl. In post-construction mortality studies at other wind resource areas, waterfowl mortality were generally low (Erikson et al. 2002), and no waterfowl were found dead at a wind farm in Iowa surrounded by areas of high waterfowl use (maximum of 10,000 individuals present during bi-weekly census, Jain 2007). Canada goose mortality in particular is very rare at wind farms (Erikson et al. 2002, Jain et al. 2007). However, waterfowl mortality has been noted at sites with significant sources of open water near turbines (Erikson et al. 2002, Drewitt and Langston 2006). Lake Ashtabula is a potential staging area for waterfowl and other water birds, shorebirds, and wading birds. The Ashtabula WRA also contains smaller bodies of water including Larson Slough and Adams Slough. Due to the large numbers of waterfowl observed during the fall survey, waterfowl mortality could result but should not have population level impacts because high rates of waterfowl mortality have not been documented at other wind energy facilities.

4.3 Listed and Sensitive Species

No federally listed threatened or endangered species were observed during fall avian surveys; however, five species (the American white pelican, Franklin's gull, Swainson's hawk, northern harrier, and sharp-tailed grouse) are North Dakota State Species of Conservation Priority. The North Dakota Game and Fish Department (NDGFD) defines Species of Conservation Priority as either Level I, II, or III. A Level I Species of Conservation Priority is described as "species having a high level of conservation priority because of declining status either in North Dakota or across their range; or a high rate of occurrence in North Dakota constituting the core of the species' breeding range, but are at-risk range wide, and non-State Wildlife Grant funding is not readily available to them" (NDGFD 2007).

The Swainson's hawk, American white pelican, Franklin's gull, and are Level I Species of Conservation Priority. A single Swainson's hawk and 3 Franklin's gulls were observed; therefore, expected mortality is low if these numbers are representative of use during other times of the year. The American white pelican had a low encounter rate (0.17 birds/20 min). Specific information regarding the interactions of American white pelicans and wind turbines is absent, but because of their large size, limited maneuverability, and propensity to fly within the RSA fatalities could result. Franklin's gull had a very low encounter rate (0.01 birds/20 min).

A Level II Species of Conservation Priority is described as a "species having a moderate level of conservation priority; or a high level of conservation priority, but a substantial amount of non-State Wildlife Grant funding is available to them" (NDGFD 2007). Level II Species of Conservation Priority detected in the Ashtabula WRA included northern harrier and sharp-tailed grouse. Post-construction mortality studies at existing wind farms have found lower than expected northern harrier fatalities (Orloff and Flannery 1992, Young et al. 2003). Therefore, population level impacts are unlikely to occur. Sharp-tailed grouse also had a very low encounter rate suggesting that direct mortality will be low; however, grouse have been shown to avoid tall vertical structures near the lek site, potentially resulting in decreased breeding success (Giensen and Connally 1993, USFWS 2004). Sharp-tailed grouse surveys (lek surveys) can be used to locate breeding areas. If leks are located, set-backs may be required by the state.

Although sandhill cranes are not state or federally threatened or endangered, the whooping crane, a federally listed endangered species, may travel with sandhill cranes during migration (Austin and Richert 2001). The USFWS indicated that there is a potential for federally endangered whooping crane to migrate through the Ashtabula WRA (Tetra Tech 2007). Cranes are at higher risk of collision with power lines and turbines if there is feeding or roosting habitat in the vicinity of these structures because flight height of cranes when moving between feeding and roosting areas is within the height of transmission lines and the RSA. The sandhill cranes observed at the Ashtabula WRA had an encounter rate of 0.38 birds/20 flying through the RSA and 100% of observations occurred within the RSA (between 32 and 128 m from the ground), suggesting that they were moving between feeding or roosting areas. Thus, crane surveys are recommended to determine if sandhill cranes use the Ashtabula WRA and surrounding area for roosting or foraging, which would indicate potential areas of whooping crane occurrence.

Two Level II Species of Conservation Priority, the northern pintail and prairie falcon, were recorded only as incidental observations. Because these species were only detected as incidentals and behavioral data was not recorded or analyzed, inferences regarding the potential for the Ashtabula WRA to affect their populations are limited. Spring surveys will clarify if these species regularly use the Ashtabula WRA during other times of the year.

4.4 Potential Impacts to Avian Species

The possible impacts to avian species from the construction and operation of the Ashtabula wind farm are direct mortality and injury from collisions with wind turbines and/or guy wires, temporary or permanent habitat loss, and displacement of birds from habitats near turbines (Drewitt and Langston 2006). Historically, raptor mortality has received the most attention. Raptor mortality at newer generation wind projects has been low relative to previous generation wind farms (Erickson et al. 2002). A number of mortality monitoring studies at newer generation wind projects have found fewer than five individual raptor mortalities (e.g., Erickson et al. 2003, Jain et al. 2007, Johnson et al. 2002, Kerns and Kerlinger 2004), but one study at the Stateline Wind Project in Oregon and Washington found as many as 17 dead raptors within a 2.5 year monitoring period (Erickson et al. 2004). Although raptor mortality is reduced, mortality may not be eliminated by advances in turbine technology and local micro-siting and site evaluation efforts are still necessary.

At newer generation wind energy facilities outside of California, approximately 80 percent of documented mortalities have been passerines (e.g., songbirds); of which 50 percent were night migrants (Erickson et al. 2002). It is estimated that less than 0.01 percent of migrant songbirds that pass over wind farms are killed, based on radar data and mortality monitoring at wind farms in Oregon, Washington, and Minnesota (Erickson 2007). Resident species may have lower mortality than migrants because many songbirds do not fly within the RSA. However, some resident species have behaviors that increase the risk of collisions with turbines because they fly within the RSA. For example, horned larks have been commonly found as fatalities at wind farms (Erickson et al. 2002). Mortality may be partially attributed to the fact that male horned larks perform flight songs in which the male climbs into a strong wind to heights of 80 to 250 meters (Pickwell 1931).

In addition to mortality associated with wind farms, concerns have been raised that bird species may avoid areas near turbines after the wind farm is in operation (Drewitt and Langston 2006). For example, at the Buffalo Ridge wind energy facility in Minnesota, densities of male songbirds were significantly lower in Conservation Reserve Program (CRP) grasslands containing turbines than in CRP grasslands without turbines. It was suggested that the reduced density may be due to avoidance of turbine noise and maintenance activities, and reduced habitat quality due to the presence of access roads and large gravel pads surrounding the turbines (Leddy et al. 1999). Reduced abundance of grassland songbirds was found within 50 meters of a turbine pad for a wind farm in Washington and Oregon, but the investigators attributed displacement to the direct loss of habitat or reduced habitat quality and not the presence of the turbines (WEST and NWC 2004). Although breeding grassland songbirds have not shown strong avoidance to date, other species groups (e.g., prairie grouse) may respond differently based on avoidance of other anthropogenic features on the landscape (Pitman et al. 2005).

4.5 Ashtabula Project Area Conclusions and Recommendations

Non-raptor use at the Ashtabula WRA ranked first of 8 studies, and most non-raptors detected were songbirds and waterfowl. The most commonly observed species; the red-

winged blackbird, Canada goose, mallard, and common grackle are all widespread species and have relatively stable populations (Sauer et al. 2007, Cornell Laboratory of Ornithology 2007). Thus, local mortality of resident species is not expected to have population level consequences. Potential impacts to wetland associated species could be minimized if turbines are sited away from point count locations 5 and 10, which were located near Lake Ashtabula, and Larson and Adams Sloughs because these areas serve as wildlife attractants. Night migrants may pass through the Ashtabula WRA and would not be detected by the survey methods used in this study. Although nocturnal migrants were not surveyed, mortality of migrants at the Ashtabula WRA is not expected to have population implications because less than 0.01 percent of night migrants that fly through wind farms are killed (Erickson 2007).

Raptor use at the Ashtabula WRA was moderate when compared to other wind resource areas. The two principal species observed were the red-tailed hawk and northern harrier. Northern harriers generally have low mortality at wind farms because they fly below the RSA; however, red-tailed hawks have higher fatalities (Orloff and Flannery 1992, Kerlinger et al. 2005). Preliminary data also suggests that high raptor use at new generation wind farms is correlated with high fatalities (Erickson 2007). These impacts could be minimized if turbines are sited away from areas of high raptor use, active raptor nests, and saddles along ridgelines, and are offset from ridge edges. The following Best Management Practices and recommended studies should provide measures to minimize impacts to birds from the construction and operation of the Ashtabula wind facility.

Best Management Practices

Several best management practices can be implemented at wind farm facilities in order to avoid and minimize potential impacts to avian species and habitat. These practices are important not only to reduce the potential for individuals to be injured or killed by turbines, transmission lines, or other wind farm components, but to also protect and enhance habitat for species of concern.

Project Specific Recommendations

- Five North Dakota State the Species of Conservation Priority (American white pelican, Franklin's gull, Swainson's hawk, northern harrier, and sharp-tailed grouse) were observed during fall avian surveys. State wildlife personnel should be contacted to determine what mitigation measures, if necessary, are needed for these species.
- If possible, site turbines away from point count locations 5 and 10, which had the highest non-raptor use and were in close proximity to water.

Standard Best Management Practices

- Studies have shown that birds, including bald eagles, are susceptible to electrocution by power lines (APLIC 2006). Therefore, the use of overhead power lines should be minimized; when they are necessary, power poles should be fitted with bird perch guards to minimize bird use.
- The use of lights on turbines should be minimized when practicable in accordance with state, federal, and local requirements, because lights may attract migrating

birds to the vicinity of turbines, particularly during certain weather conditions (Evans et al. 2007).

- Active raptor nests may require timing restrictions for construction or operation activities, or alterations to the turbine design plan. Raptor nests discovered during construction should be mapped and flagged. Turbines should be placed as far away from raptor nests as project and engineering constraints permit and avoid removal of trees. If the nest is identified to belong to a species of concern, it may be designated a 'no disturbance zone' during the construction phase (APLIC and USFWS 2005, APLIC 2006). Turbines should be placed out of a direct line of sight of the nest.
- Habitat loss is typically the leading cause of population declines in a number of species of concern. Bird species are dependent on the native plants for food, cover, and breeding habitat. Degraded vegetative communities or the presence of invasive plant species can reduce the amount of available quality habitat for birds in these areas. In order to decrease the loss of bird habitat, the following practices are recommended:
 - To the greatest extent possible, minimize impacts to native vegetation and riparian areas during design and construction of turbines and associated infrastructure.
 - If native vegetation is disturbed or removed during construction of roads or turbines, these areas should be reseeded or planted with native material.
 - Where practical, existing degraded habitat could also be enhanced through the removal and replacement of invasive species with plants native to the site.
- To maintain high quality native habitats used by birds, a management plan should be developed to prevent the spread of noxious weeds throughout the Ashtabula WRA or adjacent areas during construction and ongoing operations. Any area that is disturbed or altered should be managed appropriately to avoid the introduction or spread of noxious species. This practice is important to reduce detrimental impacts to avian habitat. The appropriate weed control board should be consulted to develop this plan.

Additional Recommended Studies

- Spring avian surveys are recommended to determine the level of avian use during spring migration, as migration patterns differ between spring and fall.
- Raptor nest site identification surveys should be conducted after leaves have dropped from trees. Any raptor nest identified during the fall nest survey should be revisited in April to June to determine breeding activity.
- Crane surveys should be conducted in Spring 2008 to determine how cranes use the Ashtabula WRA. These surveys will help determine the likelihood that the federally endangered whooping crane would utilize the Ashtabula WRA.
- Lek surveys should be conducted in Spring 2008 to determine areas potentially used for breeding sharp-tailed grouse.
- Post-construction mortality monitoring is recommended to quantify impacts to avian species.

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Table 1. Ashtabula Wind Resource Area,
2007 - Fall point count survey dates.

Survey number	Date
1	August 30
2	September 4
3	September 9
3	September 10
4	September 19
4	September 20
5	September 25
6	October 2
7	October 9
8	October 14
9	October 23
10	October 28
11	November 4

Table 2. Avian species observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Observations	Mean Use # birds per 20 min.	Frequency % of surveys detected	Percent Composition
red-winged blackbird	8845	108	67.01	34.1	29.6%
Canada goose	5499	71	41.66	31.1	18.4%
mallard	2926	29	22.17	15.9	9.8%
common grackle	2055	17	15.57	8.3	6.9%
unidentified duck	1457	26	11.04	15.2	4.9%
unidentified blackbird	1098	31	8.32	15.9	3.7%
horned lark	1007	39	7.63	15.9	3.4%
unidentified passerine	911	5	6.90	3.8	3.0%
ring-billed gull	906	5	6.86	3.0	3.0%
American coot	841	17	6.37	12.1	2.8%
double-crested cormorant	600	37	4.55	16.7	2.0%
tree swallow	577	15	4.37	7.6	1.9%
snow bunting	548	7	4.15	3.8	1.8%
ruddy duck	339	7	2.57	3.8	1.1%
ring-necked duck	282	6	2.14	3.8	0.9%
unidentified gull	272	22	2.06	6.8	0.9%
snow goose	250	3	1.89	2.3	0.8%
rock pigeon	247	9	1.87	6.8	0.8%
barn swallow	234	32	1.77	16.7	0.8%
European starling	115	1	0.87	0.8	0.4%
redhead	104	2	0.79	1.5	0.3%
Lapland longspur	104	7	0.79	4.5	0.3%
tundra swan	88	3	0.67	2.3	0.3%
lesser scaup	75	2	0.57	1.5	0.3%
green-winged teal	55	3	0.42	2.3	0.2%
sandhill crane	50	1	0.38	0.8	0.2%
blue-winged teal	46	5	0.35	3.8	0.2%
red-tailed hawk	37	33	0.28	19.7	0.1%
northern pintail	35	1	0.27	0.8	0.1%
mourning dove	31	21	0.23	9.1	0.1%
common redpoll	30	1	0.23	0.8	0.1%
killdeer	29	9	0.22	5.3	0.1%
unidentified sparrow	27	12	0.20	7.6	0.1%
American white pelican	23	3	0.17	2.3	0.1%
northern harrier	15	14	0.11	9.1	0.1%
western meadowlark	12	6	0.09	3.8	0.0%
vesper sparrow	12	9	0.09	6.8	0.0%
unidentified hawk	9	9	0.07	6.8	0.0%

Table 2. Avian species observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Observations	Mean Use # birds per 20 min.	Frequency % of surveys detected	Percent Composition
great blue heron	8	7	0.06	5.3	0.0%
yellow-headed blackbird	7	2	0.05	1.5	0.0%
unidentified tern	7	1	0.05	0.8	0.0%
sharp-tailed grouse	7	2	0.05	1.5	0.0%
savannah sparrow	7	4	0.05	1.5	0.0%
ring-necked pheasant	7	3	0.05	1.5	0.0%
American crow	6	4	0.05	3.0	0.0%
black-capped chickadee	5	3	0.04	2.3	0.0%
gadwall	4	2	0.03	1.5	0.0%
American robin	4	2	0.03	1.5	0.0%
American kestrel	4	4	0.03	3.0	0.0%
sora	3	3	0.02	2.3	0.0%
northern shoveler	3	2	0.02	1.5	0.0%
northern flicker	3	2	0.02	1.5	0.0%
Franklin's gull	3	3	0.02	2.3	0.0%
black tern	3	1	0.02	0.8	0.0%
brown-headed cowbird	3	1	0.02	0.8	0.0%
unknown bird	2	1	0.02	0.8	0.0%
merlin	2	2	0.02	0.8	0.0%
great horned owl	2	2	0.02	1.5	0.0%
common merganser	2	1	0.02	0.8	0.0%
American goldfinch	2	2	0.02	1.5	0.0%
white-throated sparrow	1	1	0.01	0.8	0.0%
upland sandpiper	1	1	0.01	0.8	0.0%
unidentified falcon	1	1	0.01	0.8	0.0%
Swainson's hawk	1	1	0.01	0.8	0.0%
rough-legged hawk	1	1	0.01	0.8	0.0%
pied-billed grebe	1	1	0.01	0.8	0.0%
Harris' sparrow	1	1	0.01	0.8	0.0%
eared grebe	1	1	0.01	0.8	0.0%
chipping sparrow	1	1	0.01	0.8	0.0%
black-crowned night-heron	1	1	0.01	0.8	0.0%
Grand Total	29895	692	226.48		

Table 3. Avian species, by species grouping, observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species Grouping	Number of Birds	Number of Observations	Mean Use # birds per 20 min.	Frequency % of surveys detected	Percent Composition
Songbirds					
red-winged blackbird	8845	108	67.01	34.1	29.6%
common grackle	2055	17	15.57	8.3	6.9%
unidentified blackbird	1098	31	8.32	15.9	3.7%
horned lark	1007	39	7.63	15.9	3.4%
unidentified passerine	911	5	6.90	3.8	3.0%
tree swallow	577	15	4.37	7.6	1.9%
snow bunting	548	7	4.15	3.8	1.8%
barn swallow	234	32	1.77	16.7	0.8%
European starling	115	1	0.87	0.8	0.4%
Lapland longspur	104	7	0.79	4.5	0.3%
common redpoll	30	1	0.23	0.8	0.1%
unidentified sparrow	27	12	0.20	7.6	0.1%
western meadowlark	12	6	0.09	3.8	0.0%
vesper sparrow	12	9	0.09	6.8	0.0%
yellow-headed blackbird	7	2	0.05	1.5	0.0%
savannah sparrow	7	4	0.05	1.5	0.0%
black-capped chickadee	5	3	0.04	2.3	0.0%
American robin	4	2	0.03	1.5	0.0%
brown-headed cowbird	3	1	0.02	0.8	0.0%
unknown bird	2	1	0.02	0.8	0.0%
American goldfinch	2	2	0.02	1.5	0.0%
white-throated sparrow	1	1	0.01	0.8	0.0%
Harris' sparrow	1	1	0.01	0.8	0.0%
chipping sparrow	1	1	0.01	0.8	0.0%
Group Total	15608	308	118.24		52.2%
Waterfowl					
Canada goose	5499	71	41.66	31.1	18.4%
mallard	2926	29	22.17	15.9	9.8%
unidentified duck	1457	26	11.04	15.2	4.9%
ruddy duck	339	7	2.57	3.8	1.1%
ring-necked duck	282	6	2.14	3.8	0.9%
snow goose	250	3	1.89	2.3	0.8%
redhead	104	2	0.79	1.5	0.3%
tundra swan	88	3	0.67	2.3	0.3%

Table 3. Avian species, by species grouping, observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species Grouping	Number of Birds	Number of Observations	Mean Use # birds per 20 min.	Frequency % of surveys detected	Percent Composition
lesser scaup	75	2	0.57	1.5	0.3%
green-winged teal	55	3	0.42	2.3	0.2%
blue-winged teal	46	5	0.35	3.8	0.2%
northern pintail	35	1	0.27	0.8	0.1%
gadwall	4	2	0.03	1.5	0.0%
northern shoveler	3	2	0.02	1.5	0.0%
common merganser	2	1	0.02	0.8	0.0%
Group Total	11165	163	84.58		37.3%
Raptors/Vultures/Owls					
red-tailed hawk	37	33	0.28	19.7	0.1%
northern harrier	15	14	0.11	9.1	0.1%
unidentified hawk	9	9	0.07	6.8	0.0%
American kestrel	4	4	0.03	3.0	0.0%
merlin	2	2	0.02	0.8	0.0%
great horned owl	2	2	0.02	1.5	0.0%
unidentified falcon	1	1	0.01	0.8	0.0%
Swainson's hawk	1	1	0.01	0.8	0.0%
rough-legged hawk	1	1	0.01	0.8	0.0%
Group Total	72	67	0.55		0.2%
Woodpeckers					
northern flicker	3	2	0.02	1.5	0.0%
Group Total	3	2	0.02		0.0%
Crows and Allies					
American crow	6	4	0.05	3.0	0.0%
Group Total	6	4	0.05		0.0%
Cranes/Rails					
sandhill crane	50	1	0.38	0.8	0.2%
sora	3	3	0.02	2.3	0.0%
Group Total	53	4	0.40		0.2%
Gamebirds					
sharp-tailed grouse	7	2	0.05	1.5	0.0%
ring-necked pheasant	7	3	0.05	1.5	0.0%
Group Total	14	5	0.11		0.0%
Waterbirds					
American coot	841	17	6.37	12.1	2.8%

Table 3. Avian species, by species grouping, observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species Grouping	Number of Birds	Number of Observations	Mean Use # birds per 20 min.	Frequency % of surveys detected	Percent Composition
double-crested cormorant	600	37	4.55	16.7	2.0%
American white pelican	23	3	0.17	2.3	0.1%
pied-billed grebe	1	1	0.01	0.8	0.0%
eared grebe	1	1	0.01	0.8	0.0%
Group Total	1466	59	11.11		4.9%
Gulls/Terns					
ring-billed gull	906	5	6.86	3.0	3.0%
unidentified gull	272	22	2.06	6.8	0.9%
unidentified tern	7	1	0.05	0.8	0.0%
Franklin's gull	3	3	0.02	2.3	0.0%
black tern	3	1	0.02	0.8	0.0%
Group Total	1191	32	9.02		4.0%
Pigeons/Doves					
rock pigeon	247	9	1.87	6.8	0.8%
mourning dove	31	21	0.23	9.1	0.1%
Group Total	278	30	2.11		0.9%
Shorebirds					
killdeer	29	9	0.22	5.3	0.1%
upland sandpiper	1	1	0.01	0.8	0.0%
Group Total	30	10	0.23		0.1%
Wadingbirds					
great blue heron	8	7	0.06	5.3	0.0%
black-crowned night-heron	1	1	0.01	0.8	0.0%
Group Total	9	8	0.07		0.0%
Grand Total	29895	692	226.48		

Table 4. Avian species observed by point during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Obs.	Points					
			1	2	3	4	5	6
red-winged blackbird	8845	108	542	26	101	191	7103	572
Canada goose	5499	71	41	0	24	136	23	86
mallard	2926	29	361	0	0	0	0	23
common grackle	2055	17	148	5	1	26	801	105
unidentified duck	1457	26	21	0	3	7	0	85
unidentified blackbird	1098	31	258	58	0	383	256	50
horned lark	1007	39	6	7	609	0	9	25
unidentified passerine	911	5	150	0	6	0	1	0
ring-billed gull	906	5	0	900	0	0	0	6
American coot	841	17	20	0	0	0	0	0
double-crested cormorant	600	37	27	10	23	0	5	43
tree swallow	577	15	35	66	0	25	0	12
snow bunting	548	7	0	0	0	0	100	35
ruddy duck	339	7	0	0	0	0	0	0
ring-necked duck	282	6	0	0	0	0	0	200
unidentified gull	272	22	27	0	0	0	0	1
snow goose	250	3	0	0	0	0	0	0
rock pigeon	247	9	0	9	0	0	0	238
barn swallow	234	32	0	27	18	4	5	24
European starling	115	1	0	0	0	0	0	0
redhead	104	2	4	0	0	0	0	0
Lapland longspur	104	7	38	16	15	0	0	0
tundra swan	88	3	0	0	0	0	0	0
lesser scaup	75	2	0	0	0	0	0	0
green-winged teal	55	3	0	0	0	0	0	50
sandhill crane	50	1	0	0	0	0	0	0
blue-winged teal	46	5	8	0	0	0	0	5
red-tailed hawk	37	33	2	7	2	3	3	3
northern pintail	35	1	0	0	0	0	0	35
mourning dove	31	21	1	0	0	13	2	7
common redpoll	30	1	0	0	0	0	30	0
killdeer	29	9	16	0	1	1	0	0
unidentified sparrow	27	12	0	0	1	2	0	0
American white pelican	23	3	0	0	0	0	0	1
northern harrier	15	14	0	0	0	0	2	2
western meadowlark	12	6	0	0	0	2	0	0
vesper sparrow	12	9	2	1	1	0	0	0
unidentified hawk	9	9	1	0	1	0	3	0
great blue heron	8	7	1	0	0	0	0	0

Table 4. Avian species observed by point during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Obs.	Points					
			1	2	3	4	5	6
yellow-headed blackbird	7	2	0	0	0	0	0	0
unidentified tern	7	1	0	0	0	0	0	0
sharp-tailed grouse	7	2	0	0	0	0	0	0
savannah sparrow	7	4	0	3	4	0	0	0
ring-necked pheasant	7	3	0	0	0	0	0	0
American crow	6	4	0	2	0	0	0	0
black-capped chickadee	5	3	0	0	0	3	1	0
gadwall	4	2	2	0	0	0	0	0
American robin	4	2	0	0	0	0	3	0
American kestrel	4	4	0	0	0	0	1	0
sora	3	3	0	0	0	0	0	0
northern shoveler	3	2	2	0	0	0	0	0
northern flicker	3	2	0	0	0	0	0	0
Franklin's gull	3	3	1	0	0	0	0	1
black tern	3	1	3	0	0	0	0	0
brown-headed cowbird	3	1	0	0	0	0	3	0
unknown bird	2	1	0	0	0	0	0	0
merlin	2	2	0	0	0	0	0	0
great horned owl	2	2	1	0	0	0	0	0
common merganser	2	1	0	0	0	0	0	2
American goldfinch	2	2	0	0	0	0	1	0
white-throated sparrow	1	1	0	0	0	0	0	0
upland sandpiper	1	1	0	0	0	0	1	0
unidentified falcon	1	1	0	0	1	0	0	0
Swainson's hawk	1	1	0	0	0	0	0	0
rough-legged hawk	1	1	0	0	0	0	0	0
pied-billed grebe	1	1	0	0	0	0	0	1
Harris' sparrow	1	1	0	0	0	0	0	0
eared grebe	1	1	0	0	0	0	0	0
chipping sparrow	1	1	0	0	0	0	0	0
black-crowned night-heron	1	1	0	0	0	0	0	1
Grand Total	29895	692	1718	1137	811	796	8353	1613

Table 4. Avian species observed by point during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Obs.	Points					
			7	8	9	10	11	12
red-winged blackbird	8845	108	28	46	159	27	28	22
Canada goose	5499	71	446	47	26	4476	126	68
mallard	2926	29	0	32	0	2332	26	152
common grackle	2055	17	950	15	4	0	0	0
unidentified duck	1457	26	15	9	0	1036	18	263
unidentified blackbird	1098	31	3	0	45	20	13	12
horned lark	1007	39	27	55	185	30	54	0
unidentified passerine	911	5	0	0	4	0	750	0
ring-billed gull	906	5	0	0	0	0	0	0
American coot	841	17	0	256	0	565	0	0
double-crested cormorant	600	37	0	2	385	59	46	0
tree swallow	577	15	1	4	14	1	0	419
snow bunting	548	7	0	145	253	0	15	0
ruddy duck	339	7	0	20	0	319	0	0
ring-necked duck	282	6	0	71	0	11	0	0
unidentified gull	272	22	0	11	0	226	0	7
snow goose	250	3	0	235	15	0	0	0
rock pigeon	247	9	0	0	0	0	0	0
barn swallow	234	32	1	46	16	41	0	52
European starling	115	1	0	0	0	115	0	0
redhead	104	2	0	0	0	100	0	0
Lapland longspur	104	7	0	0	0	10	0	25
tundra swan	88	3	0	0	0	88	0	0
lesser scaup	75	2	0	75	0	0	0	0
green-winged teal	55	3	0	5	0	0	0	0
sandhill crane	50	1	0	0	0	50	0	0
blue-winged teal	46	5	0	32	0	0	0	1
red-tailed hawk	37	33	2	5	3	1	6	0
northern pintail	35	1	0	0	0	0	0	0
mourning dove	31	21	1	3	0	0	4	0
common redpoll	30	1	0	0	0	0	0	0
killdeer	29	9	0	10	0	1	0	0
unidentified sparrow	27	12	5	5	10	0	2	2
American white pelican	23	3	17	0	0	5	0	0
northern harrier	15	14	1	3	3	0	1	3
western meadowlark	12	6	6	3	0	0	1	0
vesper sparrow	12	9	2	4	0	0	0	2
unidentified hawk	9	9	2	1	0	0	1	0
great blue heron	8	7	0	0	0	5	0	2

Table 4. Avian species observed by point during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number of Birds	Number of Obs.	Points					
			7	8	9	10	11	12
yellow-headed blackbird	7	2	0	0	0	0	3	4
unidentified tern	7	1	7	0	0	0	0	0
sharp-tailed grouse	7	2	0	0	0	6	1	0
savannah sparrow	7	4	0	0	0	0	0	0
ring-necked pheasant	7	3	0	0	0	0	0	7
American crow	6	4	0	0	1	1	2	0
black-capped chickadee	5	3	0	0	0	0	1	0
gadwall	4	2	0	0	0	2	0	0
American robin	4	2	0	0	1	0	0	0
American kestrel	4	4	1	0	1	0	1	0
sora	3	3	0	0	1	0	0	2
northern shoveler	3	2	0	0	0	0	0	1
northern flicker	3	2	0	0	2	0	0	1
Franklin's gull	3	3	0	1	0	0	0	0
black tern	3	1	0	0	0	0	0	0
brown-headed cowbird	3	1	0	0	0	0	0	0
unknown bird	2	1	0	0	2	0	0	0
merlin	2	2	2	0	0	0	0	0
great horned owl	2	2	1	0	0	0	0	0
common merganser	2	1	0	0	0	0	0	0
American goldfinch	2	2	0	0	0	1	0	0
white-throated sparrow	1	1	0	0	1	0	0	0
upland sandpiper	1	1	0	0	0	0	0	0
unidentified falcon	1	1	0	0	0	0	0	0
Swainson's hawk	1	1	0	0	0	0	0	1
rough-legged hawk	1	1	0	1	0	0	0	0
pied-billed grebe	1	1	0	0	0	0	0	0
Harris' sparrow	1	1	0	0	1	0	0	0
eared grebe	1	1	0	0	0	1	0	0
chipping sparrow	1	1	0	1	0	0	0	0
black-crowned night-heron	1	1	0	0	0	0	0	0
Grand Total	?	692	1518	1143	1132	9529	1099	1046

Table 5. Summary of avian flight heights (includes flying birds only) in relation to the turbine rotor swept area (RSA) during Fall point count surveys at the Ashtabula Wind Resource Area, 2007 .

	Observations		Individuals	
	Number	Percentage	Number	Percentage
Non-raptors				
Above RSA (>128m)	6	1.4%	123	1.1%
Below RSA (<32m)	303	69.7%	6060	56.0%
Within RSA (between 32m and 128m)	126	29.0%	4648	42.9%
Raptors/Vultures/Owls				
Below RSA (<32m)	32	61.5%	33	57.9%
Within RSA (between 32m and 128m)	20	38.5%	24	42.1%

Table 6. Avian flight height characteristics in relation to the turbine rotor swept area (RSA) for species at risk of collision at the Ashtabula Wind Resource Area, during Fall 2007.

Species	Encounter Rate	Mean Use # birds/ 20 min.	Percent Flying	Percent Below RSA	Percent Within RSA	Percent Above RSA
ring-billed gull	6.82	6.86	100.0	0.7	99.3	0.0
unidentified passerine	5.71	6.90	100.0	17.2	82.8	0.0
Canada goose	5.21	41.66	33.0	59.9	37.9	2.2
double-crested cormorant	3.38	4.55	84.0	11.5	88.5	0.0
unidentified duck	2.89	11.04	28.3	7.0	92.3	0.7
snow bunting	2.65	4.15	100.0	36.1	63.9	0.0
horned lark	1.89	7.63	98.8	74.9	25.1	0.0
snow goose	1.63	1.89	100.0	0.0	86.0	14.0
red-winged blackbird	1.52	67.01	22.6	89.0	10.0	1.0
unidentified blackbird	0.92	8.32	93.3	88.2	11.8	0.0
mallard	0.84	22.17	15.4	69.6	24.7	5.8
tree swallow	0.50	4.37	30.7	62.7	37.3	0.0
sandhill crane	0.38	0.38	100.0	0.0	100.0	0.0
unidentified gull	0.26	2.06	24.3	48.5	51.5	0.0
American white pelican	0.17	0.17	95.7	0.0	100.0	0.0
common grackle	0.15	15.57	9.7	89.9	10.1	0.0
red-tailed hawk	0.14	0.28	78.4	37.9	62.1	0.0
Lapland longspur	0.11	0.79	100.0	85.6	14.4	0.0
rock pigeon	0.07	1.87	3.6	0.0	100.0	0.0
barn swallow	0.03	1.77	100.0	98.3	1.7	0.0
unidentified hawk	0.02	0.07	66.7	50.0	50.0	0.0
great blue heron	0.02	0.06	87.5	57.1	42.9	0.0
unknown bird	0.02	0.02	100.0	0.0	100.0	0.0
mourning dove	0.02	0.23	80.6	92.0	8.0	0.0
American crow	0.02	0.05	66.7	50.0	50.0	0.0
unidentified falcon	0.01	0.01	100.0	0.0	100.0	0.0

Table 6. Avian flight height characteristics in relation to the turbine rotor swept area (RSA) for species at risk of collision at the Ashtabula Wind Resource Area, during Fall 2007.

Species	Encounter Rate	Mean Use # birds/ 20 min.	Percent Flying	Percent Below RSA	Percent Within RSA	Percent Above RSA
American goldfinch	0.01	0.02	100.0	50.0	50.0	0.0
killdeer	0.01	0.22	96.6	96.4	3.6	0.0
Franklin's gull	0.01	0.02	66.7	50.0	50.0	0.0
American kestrel	0.01	0.03	75.0	66.7	33.3	0.0
northern harrier	0.01	0.11	100.0	93.3	6.7	0.0
yellow-headed blackbird	0.00	0.05	42.9	100.0	0.0	0.0
white-throated sparrow	0.00	0.01	0.0	0.0	0.0	0.0
western meadowlark	0.00	0.09	66.7	100.0	0.0	0.0
vesper sparrow	0.00	0.09	33.3	100.0	0.0	0.0
unidentified tern	0.00	0.05	100.0	100.0	0.0	0.0
upland sandpiper	0.00	0.01	0.0	0.0	0.0	0.0
unidentified sparrow	0.00	0.20	48.1	100.0	0.0	0.0
tundra swan	0.00	0.67	0.0	0.0	0.0	0.0
Swainson's hawk	0.00	0.01	100.0	100.0	0.0	0.0
sharp-tailed grouse	0.00	0.05	85.7	100.0	0.0	0.0
sora	0.00	0.02	0.0	0.0	0.0	0.0
savannah sparrow	0.00	0.05	0.0	0.0	0.0	0.0
ruddy duck	0.00	2.57	0.0	0.0	0.0	0.0
ring-necked pheasant	0.00	0.05	14.3	100.0	0.0	0.0
ring-necked duck	0.00	2.14	0.0	0.0	0.0	0.0
rough-legged hawk	0.00	0.01	0.0	0.0	0.0	0.0
redhead	0.00	0.79	0.0	0.0	0.0	0.0
pied-billed grebe	0.00	0.01	0.0	0.0	0.0	0.0
northern shoveler	0.00	0.02	33.3	100.0	0.0	0.0
northern pintail	0.00	0.27	0.0	0.0	0.0	0.0
northern flicker	0.00	0.02	66.7	100.0	0.0	0.0

Table 6. Avian flight height characteristics in relation to the turbine rotor swept area (RSA) for species at risk of collision at the Ashtabula Wind Resource Area, during Fall 2007.

Species	Encounter Rate	Mean Use # birds/ 20 min.	Percent Flying	Percent Below RSA	Percent Within RSA	Percent Above RSA
merlin	0.00	0.02	100.0	100.0	0.0	0.0
lesser scaup	0.00	0.57	0.0	0.0	0.0	0.0
Harris' sparrow	0.00	0.01	0.0	0.0	0.0	0.0
green-winged teal	0.00	0.42	0.0	0.0	0.0	0.0
great horned owl	0.00	0.02	0.0	0.0	0.0	0.0
gadwall	0.00	0.03	0.0	0.0	0.0	0.0
European starling	0.00	0.87	0.0	0.0	0.0	0.0
eared grebe	0.00	0.01	0.0	0.0	0.0	0.0
common redpoll	0.00	0.23	100.0	100.0	0.0	0.0
common merganser	0.00	0.02	0.0	0.0	0.0	0.0
chipping sparrow	0.00	0.01	0.0	0.0	0.0	0.0
blue-winged teal	0.00	0.35	2.2	100.0	0.0	0.0
black tern	0.00	0.02	100.0	100.0	0.0	0.0
brown-headed cowbird	0.00	0.02	0.0	0.0	0.0	0.0
black-crowned night-heron	0.00	0.01	100.0	0.0	0.0	0.0
black-capped chickadee	0.00	0.04	80.0	100.0	0.0	0.0
American robin	0.00	0.03	25.0	100.0	0.0	0.0
American coot	0.00	6.37	0.0	0.0	0.0	0.0

Table 7. Flight directions of birds observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number Flying	Number of Observations	Percentage of Flights in Various Flight Directions								
			N	NE	E	SE	S	SW	W	NW	Variable
red-winged blackbird	2002	85	55.8	7.9	9.9	8.0	6.5	3.9	7.2	0.5	0.0
Canada goose	1813	57	4.2	0.1	46.0	1.4	8.1	15.1	12.4	12.7	0.0
unidentified blackbird	1024	28	11.5	0.3	48.0	5.8	2.0	30.5	1.2	0.8	0.0
horned lark	995	34	2.4	0.0	27.0	22.9	19.4	3.5	15.2	9.5	0.0
unidentified passerine	911	5	0.7	0.0	0.0	0.0	16.5	0.0	82.3	0.5	0.0
ring-billed gull	906	5	0.1	0.0	0.0	99.4	0.1	0.3	0.0	0.0	0.0
snow bunting	548	7	0.0	18.2	0.0	0.0	14.6	45.6	21.5	0.0	0.0
double-crested cormorant	504	28	1.0	0.4	0.0	83.3	14.3	0.2	0.6	0.2	0.0
mallard	450	15	16.2	7.6	0.0	0.9	29.8	1.8	0.4	43.3	0.0
unidentified duck	413	19	1.2	5.1	0.0	0.7	91.8	0.7	0.5	0.0	0.0
snow goose	250	3	0.0	0.0	0.0	14.0	6.0	80.0	0.0	0.0	0.0
barn swallow	234	32	13.7	8.1	20.5	21.4	11.5	3.4	9.8	11.5	0.0
common grackle	199	13	8.0	0.0	74.9	0.0	10.6	0.5	0.0	6.0	0.0
tree swallow	177	14	19.8	0.6	8.5	1.1	14.1	7.9	2.3	45.8	0.0
Lapland longspur	104	7	1.0	0.0	57.7	0.0	26.9	0.0	14.4	0.0	0.0
unidentified gull	66	18	3.0	28.8	13.6	1.5	50.0	1.5	0.0	1.5	0.0
sandhill crane	50	1	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
common redpoll	30	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
red-tailed hawk	29	25	10.3	10.3	10.3	6.9	41.4	13.8	0.0	6.9	0.0
killdeer	28	8	3.6	14.3	17.9	50.0	0.0	0.0	3.6	10.7	0.0
mourning dove	25	16	0.0	24.0	40.0	4.0	4.0	4.0	12.0	12.0	0.0
American white pelican	22	2	0.0	0.0	0.0	0.0	77.3	0.0	22.7	0.0	0.0

Table 7. Flight directions of birds observed during Fall point count surveys at the Ashtabula Wind Resource Area, 2007.

Species	Number Flying	Number of Observations	Percentage of Flights in Various Flight Directions								
			N	NE	E	SE	S	SW	W	NW	Variable
northern shoveler	1	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
blue-winged teal	1	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
black-crowned night-heron	1	1	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0
American robin	1	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
Grand Total	10889	488	14.4	3.5	19.3	17.6	13.9	11.0	14.0	6.3	0.0

Table 8. Incidental observations of birds during Fall point counts at the Ashtabula Wind Resource Area, 2007.

Species	Number of individuals
American coot	67
American crow	7
American kestrel	1
American pipit	26
black-crowned night-heron	1
blue jay	3
black tern	8
blue-winged teal	52
Canada goose	294
chipping sparrow	1
common grackle	525
double-crested cormorant	65
dark-eyed junco	19
European starling	15
Franklin's gull	105
gadwall	8
great blue heron	7
gray partridge	11
greater yellowlegs	2
green-winged teal	15
Harris' sparrow	1
horned lark	20
killdeer	1
Lapland longspur	115
mallard	337
mourning dove	2
northern flicker	14
northern harrier	12
northern pintail	2
northern shoveler	1
northern shrike	1
pied-billed grebe	4
prairie falcon	1
ring-billed gull	824
ring-necked duck	90
ring-necked pheasant	6

Table 8. Incidental observations of birds during Fall point counts at the Ashtabula Wind Resource Area, 2007.

Species	Number of individuals
rock pigeon	17
red-tailed hawk	60
ruddy duck	1
red-winged blackbird	18000
semipalmated sandpiper	2
snow bunting	21
Swainson's hawk	5
unidentified duck	18
unidentified gull	52
unidentified hawk	2
unidentified warbler	2
unidentified sandpiper	27
white-crowned sparrow	1
western meadowlark	3
yellow-headed blackbird	20
Grand Total	20894

Table 9. Comparison of raptor and other bird use per 20-minute survey with other studies of western wind projects using the similar survey methodology.

Project Site	Mean Use by Raptors					Mean Use by Other Birds					Duration of Survey (minutes)	Plot Radius	Reference	Correction factor ^a
	Spr	Sum	Fall	Win	Ann	Spr	Sum	Fall	Win	Ann				
High Winds WRA, Montezuma Hills, CA					6.72					474 ^b	20	800m	Kerlinger et al. (2005)	
Altamont Pass WEC, CA	3.8	3.0	4.6	3.0		N/A	N/A	N/A	N/A		10	800m	Orloff and Flannery (1992)	x 2
Cotterel Mountain, ID	1.69	1.89	1.49	0.18		14.26	11.22	7.65	8.86		20	800m	USDI, BLM (2005)	
Maiden, WA	0.295	0.348	0.623	0.154		4.576	4.71	11.93	8.576		30	800m	Young et al. (2002)	x 0.67
Klickitat County PEIS study area, WA	0.96	1.12	N/A	N/A		14.39	12.36	N/A	N/A		20	800m	Johnson et al. (2006)	
Foote Creek WEC, WY	0.49	0.755	0.965	0.205		N/A	N/A	N/A	N/A		40	800m	Johnson et al. (2000)	x 0.5
Buffalo Ridge Phase III	0.64	0.54	0.85	0.18		N/A	N/A	N/A	N/A		20	800m	Erickson et al. (2002)	
Klondike, OR Phase III				0.134					34.9		20	800m	Mabee et al. (2005)	
Buffalo Ridge Phase II	0.84	0.69	0.83	0.1		N/A	N/A	N/A	N/A		20	800m	Erickson et al. (2002)	
Windy Point, WA	0.79	N/A	N/A	0.77		16.41	N/A	N/A	13.55		20	800m	Johnson et al. (2006)	
Buffalo Ridge Phase I	0.65	0.43	0.76	0.13		N/A	N/A	N/A	N/A		20	800m	Erickson et al. (2002)	
Buffalo Ridge RA	0.68	0.52	0.69	0.44		N/A	N/A	N/A	N/A		20	800m	Erickson et al. (2002)	
Ashtabula, ND			0.55					225.93			20	800m	THIS STUDY	
Klondike, OR Phase I	0.47	0.39	0.38	0.56		N/A	N/A	N/A	N/A		20	800m	Erickson et al. (2002)	
Wild Horse, WA	0.456	0.456	0.308	0.141		5.782	5.782	4.02	3.591		30	800m	Erickson et al. (2003)	x 0.67
Stateline Wind Project EIS WRA	0.59	0.4	0.25	0.42		7.09	5.47	29.34	9.04		20	800m	URS and West (2001)	
Condon, OR	0.466	0.319	0.2	0.386		6.331	3.405	7.249	7.328		15	600m	URS Corporation et al. (2001)	x 1.33
Biglow Canyon, OR project area	0.308	0.389	0.188	0.315		10.17	3.343	7.182	11.66		30	800m	West (2005)	x 0.67
Stateline, OR/WA	0.28	0.26	0.16	0.02	0.22					23.08	10	800m	Erickson et al. (2004)	x 2
Biglow Canyon, OR RA	0.369	0.335	0.114	0.248		6.76	5.085	6.713	17.07		30	800m	West (2005)	x 0.67

^a Multiplication factor to standardize mean use to birds/20 min.

^b Mostly unidentified blackbirds.



Executive Summary – Wind Power GeoPlanner™

Licensed Microwave Search & Worst Case Fresnel Zone

Comsearch performed an analysis to evaluate the potential effects of the planned Valley City Wind project in Barnes County, ND on existing non-Federal Government microwave telecom systems.

Microwave Search Results: Comsearch’s Wind Power GeoPlanner™ provides a graphical representation of affected microwave paths and provides supporting technical parameters. The microwave path data is overlaid on topographic basemaps. Comsearch identified 20 microwave paths that intersect the project area (see Figure 1 and Table 1 below).

Comsearch then calculated a Worst Case Fresnel Zone (WCFZ) for each microwave path in the project area. The mid-point of a full microwave path is the location where the widest (or worst case) Fresnel zone occurs. Fresnel zones are calculated for each path using the following formula.

$$R_n \cong 17.3 \sqrt{\frac{n}{FGHz} \left(\frac{d_1 d_2}{d_1 + d_2} \right)}$$

Where,

R_n = First Fresnel Zone Radius, meters

n = The Number 1

FGHz = Frequency of Microwave Link, GHz

d₁ = Distance to Wind Turbine from Microwave Station 1, km

d₂ = Distance to Wind Turbine from Microwave Station 2, km

note: For WCFZ calculation d₁ = d₂

The calculated WCFZ radius, giving the linear path an area or swath, buffers each microwave path in the project area. The distance unit is in meters and can be found in the column attribute “WCFZ.” In general, this is the XY area where the planned wind turbines should be avoided, if possible. These areas are shown in Figure 2.

Please note that because the turbine locations were not provided, we could not determine if any potential obstruction cases exist between the planned wind turbines and the microwave systems. If the latitude and longitude values for turbine locations are provided, Comsearch can identify specific microwave telecom paths and turbines where a potential XY conflict exists. Additionally, when wind turbines need to be located inside a WCFZ, Comsearch can provide a detailed clearance study, which considers the vertical Z-height clearance objectives.



**Snyder & Associates, Inc.
Valley City Wind**

Map Projection: The ESRI® Shapefiles contained in the enclosed GeoPlanner CD are in NAD 83 UTM Zone 14 projected coordinate system.

Comsearch Contact:

Denise Finney, Account Manager
Phone: (703) 726-5650 Fax: (703) 726-5595
Email: dfinney@comsearch.com

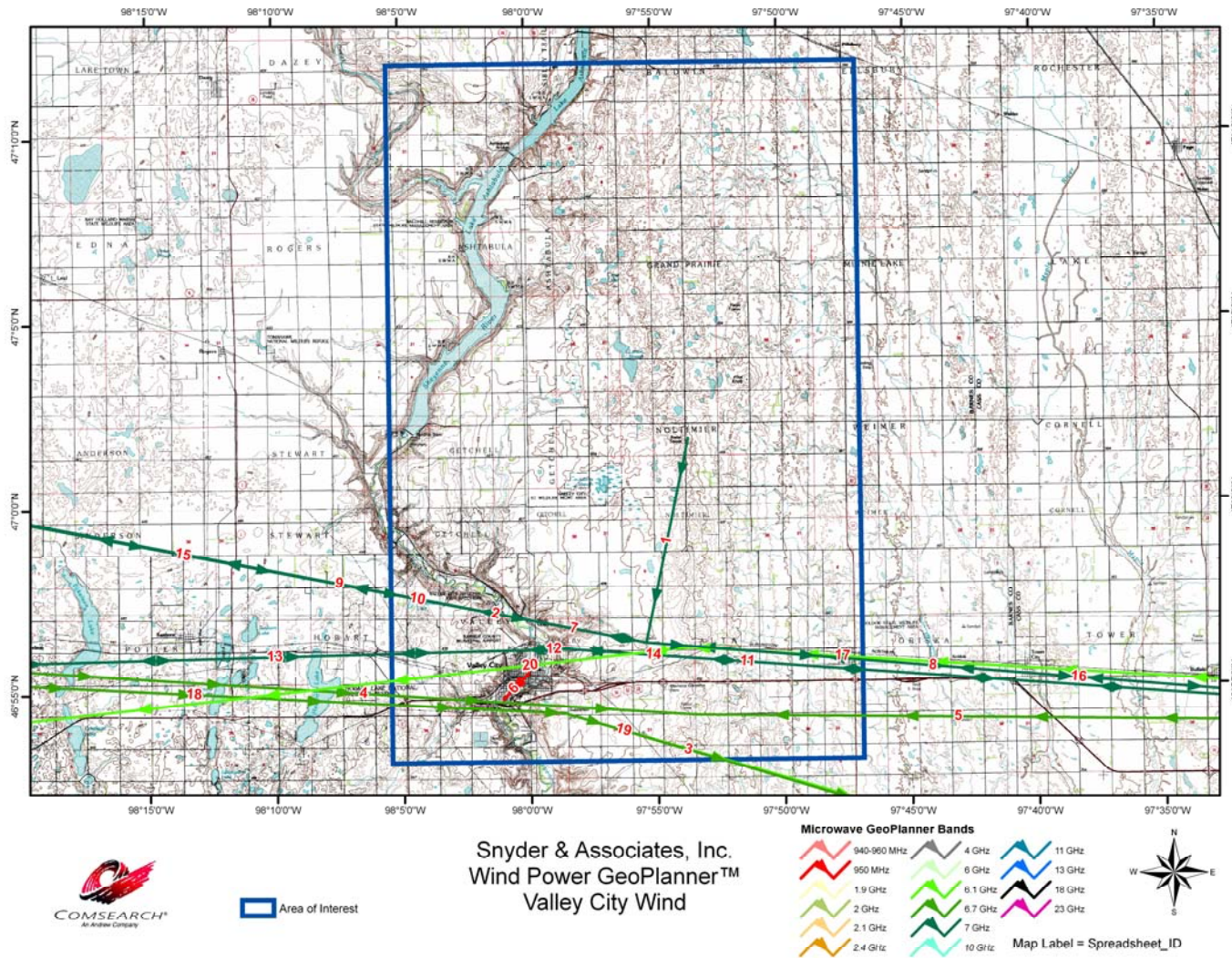
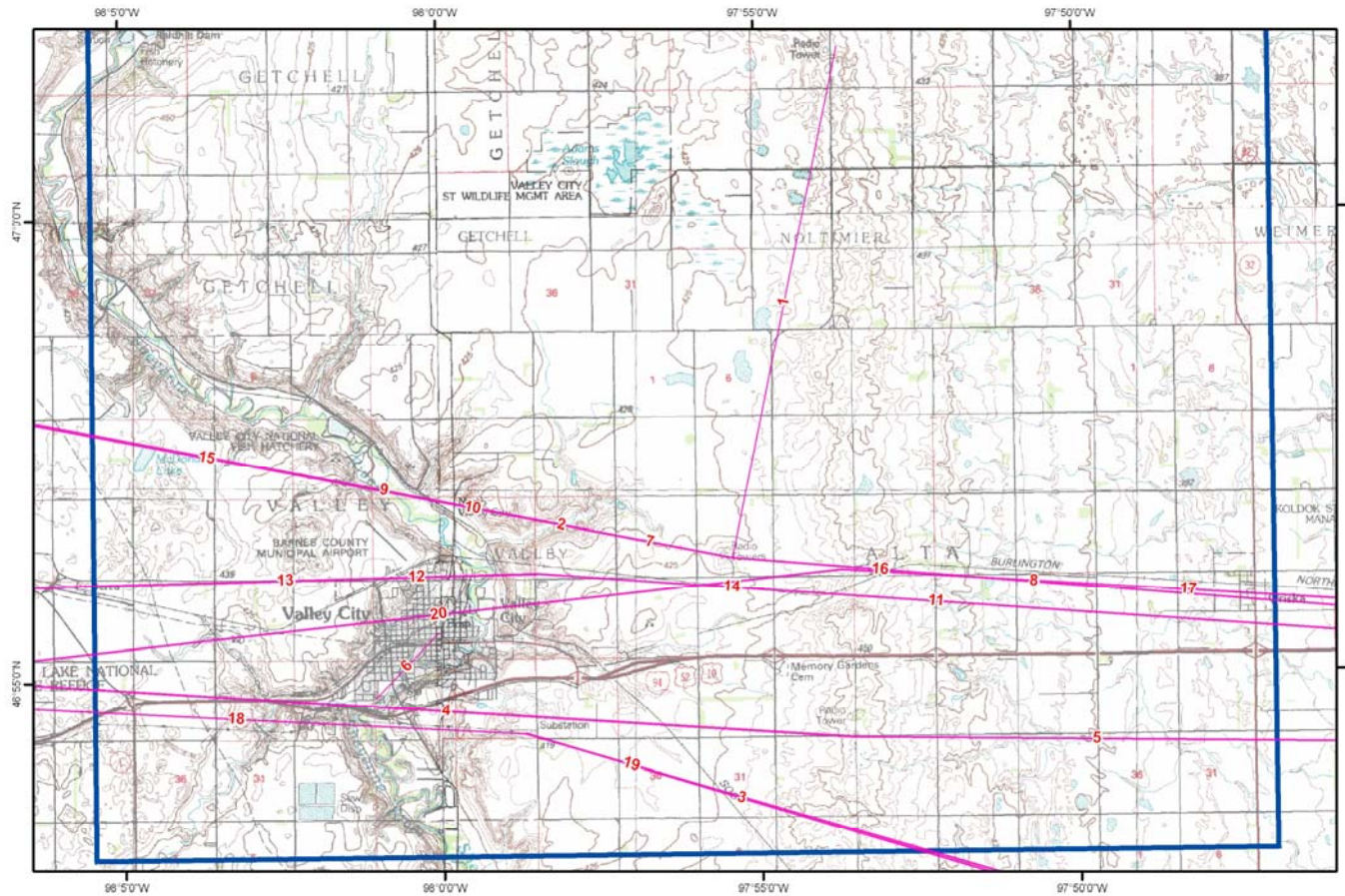


Figure 1 – Wind Power GeoPlanner™



Snyder & Associates, Inc.
Wind Power GeoPlanner™
Valley City Wind

WCFZ
Area of Interest



Map Label = Spreadsheet_ID

Figure 2 – Wind Power GeoPlanner™ & WCFZ



ID	Name Site 1	Name Site 2	Call Sign Site 1	Call Sign Site 2	BAND NAME	Licensee	WCFZ (m)
1	PEAK	VALLEY CITY	KAZ80	RXONLY	7 GHz	South Dakota Television, Inc	10.56
2	BARNES	CLEMENTSVILL	KBD40	RXONLY	7 GHz	HOAK MEDIA OF DAKOTA LICENSE, LLC	22.41
3	VALLEY CITY	CHAFFEE	KHP73	KIL52	Upper 6 GHz	MINNKOTA POWER COOPERATIVE INC	23.64
4	SPIRITWOOD	VALLEY CITY	KVY52	KVY71	Upper 6 GHz	BNSF Railway Company	22.46
5	WHEATLAND	VALLEY CITY	KVY70	KVY71	Upper 6 GHz	BNSF Railway Company	20.67
6	232 3RD ST	VALLEY CITY	WHM990	RXONLY	950 MHz	SIOUX VALLEY BROADCASTING, INC	11.96
7	VALLEY CITY	CLEMENTSVILL	WLD483	RXONLY	7 GHz	KBMY KMCY LLC (KBMY)	22.41
8	CASSELTON	VALLEY CITY	WLD484	RXONLY	7 GHz	KBMY KMCY LLC (KBMY)	23.13
9	BARNES	CLEMENTSVILL	WLF687	RXONLY	7 GHz	HOAK MEDIA OF DAKOTA LICENSE, LLC	22.41
10	STUTSMAN	VALLEY CITY	WLF690	RXONLY	7 GHz	HOAK MEDIA OF DAKOTA LICENSE, LLC	22.41
11	CASSELTON	VALLEY CITY	WLI369	RXONLY	7 GHz	RED RIVER BROADCAST CO., LLC	22.66
12	VALLEY CITY	JAMESTOWN	WLI370	RXONLY	7 GHz	RED RIVER BROADCAST CO., LLC	25.48
13	JAMESTOWN	VALLEY CITY	WLI701	RXONLY	7 GHz	RED RIVER BROADCAST CO., LLC	25.48
14	VALLEY CITY	CASSELTON	WLI705	RXONLY	7 GHz	RED RIVER BROADCAST CO., LLC	22.66
15	CLEMENTSVILL	VALLEY CITY	WPNF720	RXONLY	7 GHz	KBMY KMCY LLC (KBMY)	22.41
16	VALLEY CITY	CASSELTON	WPNF863	RXONLY	7 GHz	KBMY KMCY LLC (KBMY)	23.13
17	CASSELTON	VAL CITY MW	WPON209	WPYS527	Lower 6 GHz	WWC Holding Co., Inc	23.75
18	ECK MPC	VALLEY CITY	WPQS894	WPQS895	Upper 6 GHz	MINNKOTA POWER COOPERATIVE INC	17.37
19	VALLEY CITY	CHAFFEE	WPQS895	WPQS386	Lower 6 GHz	MINNKOTA POWER COOPERATIVE INC	24.70
20	VAL CITY MW	SANBORN	WPYS527	WPON204	Lower 6 GHz	WWC Holding Co., Inc	20.51

Table 1 – Microwave GeoPlanner Links Considered in Analysis
(See enclosed *mw_geopl.xls* for more detailed information and *GP_dict_matrix_description.xls* for field description)

APPENDIX D
AGENCY LETTERS



January 21, 2008

Mr. Gary R. Ness, Director
Aeronautics Commission
P. O. Box 5020
Bismarck, North Dakota 58502-5020

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Ness:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the Aeronautics Commission for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Gary R. Ness
Aeronautics Commission
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Attorney General Wayne Stenehjem
State Capitol
600 East Boulevard Avenue, Department 125
Bismarck, North Dakota 58505

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Stenehjem:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the office of the Attorney General for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Wayne Stenejem
Attorney General
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

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Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Ben Jacob, Chair
Barnes County Soil Conservation District
575 10th Street Southwest
Valley City, North Dakota 58072-3906

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Jacob:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting Barnes County Soil Conservation District for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Ben Jacob
Barnes County Soil Conservation District
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Roger Johnson, Agriculture Commissioner
North Dakota Department of Agriculture
600 East Boulevard Avenue, Department 602
Bismarck, North Dakota 58505-0020

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Johnson:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Agriculture for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Roger Johnson
North Dakota Department of Agriculture
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeff R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Wayne Kutzer, Director
North Dakota Department of Career and Technical Education
State Capitol 15th Floor
600 East Boulevard Avenue, Department 270
Bismarck, North Dakota 58505-0610

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Kutzer:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Career and Technical Education for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Wayne Kutzer
North Dakota Department of Career and Technical Education
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Shane Goettle, Commissioner
North Dakota Department of Commerce
1600 East Century Avenue, Suite 2
P. O. box 2057
Bismarck, North Dakota 58503

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Goettle:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Commerce for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Shane Goettle
North Dakota Department of Commerce
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Kim Christianson, Energy Program Manager
Energy Conservation and Renewable Energy
Division of Community Services
1600 East Century Avenue, Suite 2
P. O. box 2057
Bismarck, North Dakota 58502-2057

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Christianson:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the Division of Community Services for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms Kim Christianson
Division of Community Services
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Dr. Terry Dwelle, M.D.
State Health Officer
North Dakota Department of Health
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0200

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Dr. Dwelle:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Health for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Dr. Terry Dwelle, M.D.
North Dakota Department of Health
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeff R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Carol K. Olson, Executive Director
North Dakota Department of Human Services
600 East Boulevard Avenue, Department 325
Bismarck, North Dakota 58505-0250

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Olson:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Human Services for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms. Carol K. Olson
North Dakota Department of Human Services
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeff R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Lisa Fair McEvers, Commissioner of Labor
North Dakota Department of Labor
600 East Boulevard Avenue, Department 406
Bismarck, North Dakota 58505-0340

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. McEvers:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Department of Labor for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms Lisa Fair McEvers
North Dakota Department of Labor
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Edward C. Murphy, State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0840

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Murphy:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting North Dakota Geological Survey for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Edward C. Murphy
North Dakota Geological Survey
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Governor John Hoeven
600 East Boulevard Avenue, Department 101
Bismarck, North Dakota 58505-000

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Governor Hoeven:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the governor's office for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech



Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Cheryl Kulas, Executive Director
North Dakota Indian Affairs Commission
600 East Boulevard Avenue
1st Floor – Judicial Wing, Room #117
Bismarck, North Dakota 58505

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Kulas:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Indian Affairs Commission for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms. Cheryl Kulas
North Dakota Indian Affairs Commission
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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TETRA TECH

January 21, 2008

Ms. Maren Daley, Executive Director
Job Service North Dakota
1000 East Divide Avenue
Bismarck, North Dakota 58502-5507

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Daley:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the Job Service of North Dakota for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms. Maren Daley
Job Service North Dakota
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Jesse Hanson, Division Director
North Dakota Parks and Recreation Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Hanson:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

Tetra Tech has previously consulted with the North Dakota Parks and Recreation Department regarding this project. However, we are again consulting your department for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Jesse Hanson
North Dakota Parks and Recreation Department
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Michael G. McKenna, Chief
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. McKenna:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

Tetra Tech has previously consulted with the North Dakota Game and Fish Department regarding this project. However, we are again consulting with your department for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Michael G. McKenna
North Dakota Game and Fish Department
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Tina Wagner
North Dakota Highway Department, Valley City District
12th Street Northwest
Valley City, North Dakota 58072

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Wagner:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting North Dakota Highway Department for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms. Tina Wagner
North Dakota Highway Department
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Ms. Pam Sharp, Director
North Dakota Office of Management and Budget
600 East Boulevard Avenue, Department 110
Bismarck, North Dakota 58505-0400

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Ms. Pam Sharp:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Office of Management and Budget for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Ms. Pam Sharp
North Dakota Office of Management and Budget
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Merl Paaverud, ND SHPO
North Dakota Historical Society
612 East Boulevard Avenue
Bismarck, ND 58505-0830

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Paaverud:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

Tetra Tech has previously consulted with the North Dakota State Historical Preservation Office (SHPO) regarding this project. However, we are again consulting with SHPO for assistance in identifying any historical sites within the boundaries of the tracts listed below that would influence a decision regarding the use of the land. We, of course, are not requesting the name or exact location of the site(s) beyond that which you would normally provide to the public, just an indication of the location and whether the site would preclude development in a particular location. At a minimum, a Class I File and Literature Review will be conducted with additional site investigations to be determined.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Merl Paaverud
North Dakota State Historical Preservation Office
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

N:\ Typing\Env-fac\8551386\Ashtabula Query Letters\SHPO



January 21, 2008

Mr. Rick Larson, Director of Minerals Management
North Dakota State Land Department
Energy Development Impact Office
P. O. Box 5523
Bismarck, North Dakota 58506-5523

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Larson:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota State Land Department for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Rick Larson
North Dakota State Land Department
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Thomas Christensen, Chairman
North Dakota State Soil Conservation Committee
2718 Gateway Avenue, Unit #104
Bismarck, North Dakota 58503

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Christensen:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota State Soil Conservation Committee for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Thomas Christensen
North Dakota State Soil Conservation Committee
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Dan Cimarofti, State Program Manager
US Army Corps of Engineers
Regulatory Division
1513 S. 12th Street
Bismarck, ND 58504

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Cimarofti:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

Tetra Tech has previously consulted with the US Army Corps of Engineers regarding this project. However, we are again consulting with the Corps for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office. We are specifically interested in such information as the location of jurisdictional wetland resources and any other special or sensitive environmental conditions that exist in or near the study area.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We will also conduct a site survey of areas proximal to proposed facilities in order to preliminarily determine the presence of wetlands. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, North Dakota Game and Fish, and North Dakota Department of Natural Resources.



Mr. Dan Cimarofiti
US Army Corps of Engineers
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

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January 21, 2008

Mr. Dale Frink, State Engineer
North Dakota State Water Commission
900 East Boulevard
Bismarck, North Dakota 58505-0850

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Frink:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota State Water Commission for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Department of Natural Resources.



Mr. Dale Frink
North Dakota State Water Commission
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeffrey R. Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

N:\ Typing\Env-fac\8551386\Ashtabula Query Letters\State Water



January 21, 2008

Mr. Jeff Towner, Field Supervisor
U. S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

**RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100**

Dear Mr. Towner:

Tetra Tech is conducting an investigation of property in Barnes County north of Valley City, North Dakota as a potential location for development of an approximately 200 megawatt (MW) wind energy center and an associated 230 kilovolt (kV) transmission line approximately five miles in length. The area shown in the attached figure is the primary focus of our investigation.

Tetra Tech has previously consulted with the US Fish and Wildlife Service (USFWS) regarding this project. However, we are again consulting with the USFWS for assistance in identifying environmental properties, concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land or applicable permits that may be required from your office. We are specifically interested in such information as the location of wetland resources or easements and any other special or sensitive environmental conditions that exist in or near the study area.

The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Noltimier	141N	57W	2, 4, 8-9, 11, 22-23
Grand Prairie	142N	57W	4-10, 17, 20-21, 27-29, 31-33
Baldwin	143N	57W	20, 22, 27, 32-34

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We will also conduct a site survey of areas proximal to proposed facilities in order to preliminarily determine the presence of wetlands. We have sent similar query letters to other agencies including the US Fish and Wildlife Service, North Dakota Game and Fish, and North Dakota Department of Natural Resources.



Mr. Jeff Towner
US Fish and Wildlife Service
January 21, 2008

We would appreciate a response by February 15, 2008. Please contact me at 406-248-9161 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'Jeff Rice'.

Jeffrey R. Rice
Project Manager, Natural Resources

HMW/JRR/ba

cc: Tracey Martorano (TtEC, Boston)

Enclosure

N:\ Typing\Env-fac\8551386\Ashtabula Query Letters\USFWS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



SEP 13 2007

RECEIVED SEP 17 2007

Mr. John Crookston, Assistant Biologist
Tetra Tech EC, Inc.
1750 SW Harbor Way, Suite 400
Portland, Oregon 97201

Dear Mr. Crookston:

This letter is in response to your August 23, 2007, request for a current list of threatened and endangered species in Barnes County, North Dakota. A list of federally endangered, threatened, and candidate species and designated critical habitat that may be present within the area proposed for construction of a wind energy facility near Valley City, North Dakota, is enclosed. This list fulfills requirements of the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species. If the Federal agency determines the action "may affect" listed species, then the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" determination on listed species, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of section 7 consultation.

If you require further information, please contact Terry Ellsworth of my staff at (701) 250-4481, or at the letterhead address above.

Sincerely,

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

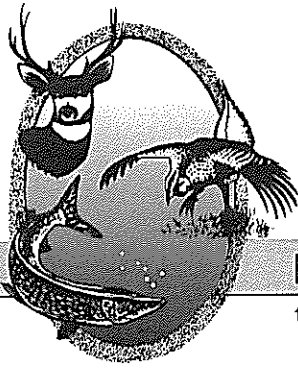
Enclosure

FEDERAL ENDANGERED SPECIES
FOUND IN BARNES COUNTY
NORTH DAKOTA
September 2007

ENDANGERED SPECIES

Birds

Whooping crane (Grus Americana): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

September 24, 2007

RECEIVED SEP 27 2007

John Crookston
Assistant Biologist
Tetra Tech EC Inc.
1750 SW Harbor Way, Suite 400
Portland, OR 97201

Dear Mr. Crookston:

RE: Proposed Wind Energy Facility - Ashtabula Area
Barnes County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We have no data available regarding threatened or endangered species and sensitive habitats in the project area.

The department manages the Valley City Wildlife Management Area located in parts of sections 19 & 20, T141N, R57W, and 24, T141N, R58W. A special use permit would be required if any activity were to be allowed on these lands. Mr. Brian Kietzman, Wildlife Resource Management Supervisor for the area, can be contacted at 701-253-6483 for additional information on permitting requirements.

Our primary concern with wind farm development is the disturbance of native prairie associated with construction of turbines, access roads, transmission lines, etc. We ask that work within native prairie be avoided to the extent possible, and that US Fish and Wildlife Service wind turbine siting guidelines be implemented as appropriate in an effort to reduce these impacts.

National Wetland Inventory maps indicate numerous wetlands within the project area. We recommend that steps be taken to protect any wetlands that cannot be avoided, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We would appreciate being kept informed as this project progresses, and as other wind power projects are developed in North Dakota. If possible, we would also like the GPS coordinates for each turbine after the site has been established.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael G. McKenna', written in a cursive style.

Michael G. McKenna
Chief
Conservation & Communication Division

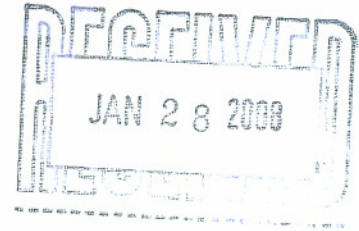
js



Wayne Stenehjem
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210 FAX (701) 328-2226
www.ag.state.nd.us



January 25, 2008

Jeffrey R. Rice
Project Manager, Natural Resources
Tetra Tech
PO Box 30615
Billings MT 59107

Dear Mr. Rice:

I am responding on behalf of the Attorney General to your most recent letter, regarding an investigation of property in Barnes County as a potential location for development of a wind energy center. You ask that this office identify environmental properties, concerns, or issues within the boundaries of certain tracts of land.

As we informed you in December 2007, the Attorney General and members of his staff are prohibited by statute from giving legal advice, opinions, or assistance to private businesses or members of the public. We may only serve as legal advisors to state officials, state's attorneys, and certain city officials.

Accordingly, we cannot provide the information or assistance you requested. If you need assistance in identifying any issues that may impact this project, you should consult an attorney in private practice licensed in North Dakota. If you need assistance finding an attorney, you can contact the State Bar Association at (701) 255-1404.

You may wish to note our response for your file, to avoid making similar requests to this office in the future.

Sincerely,

A handwritten signature in cursive script that reads "Liz Brocker".

Liz Brocker
Executive Assistant

January 25, 2008



Jeffrey R. Rice
Project Manager, Natural Resources
Tetra Tech
PO Box 30615
Billings, MT 59107

RE: Project Area Environmental Scan Barns County, ND Tetra Tech Project
No. 11585513686.100

Dear Mr. Rice:

This office supports the development of the proposed wind energy center and transmission line for the above referenced project.

While we are not aware of any environmental property, concerns, or issues within the boundaries of the proposed project, we would defer to the North Dakota Game & Fish Department, the ND Parks & Recreation Department, the State Historical Society of North Dakota, and the North Dakota Health Department for their input. According to your letter it appears you have already initiated this process.

The North Dakota Public Service Commission is the authority which issues permits for locating power plant and transmission lines within the state.

With regards to land use, approvals are granted by the local land use/zoning authorities.

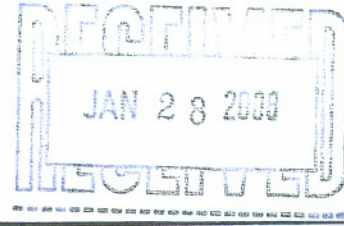
Sincerely,

James R. Boyd
Acting Energy Program Manager
ND Division of Community Services

sk



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**



John Hoeven
Governor of North Dakota

January 25, 2008

North Dakota
State Historical Board

Jeffrey R. Rice, Project Manager, Natural Resources
Tetra Tech
618 South 25th Street
PO Box 30615
Billings, MT 59107

Albert I. Berger
Grand Forks - President

Chester E. Nelson, Jr.
Bismarck - Vice President

**NDSHPO REF. : 08-0310 PSC/Tetra Tech 200 Mega Watt (MW) Barnes
County Wind Farm & 230 kV Transmission Line**

Gerold Gerntholz
Valley City - Secretary

A. Ruric Todd III
Jamestown

Dear Mr. Rice:

Diane K. Larson
Bismarck

We have reviewed: 08-0310: PSC/Tetra Tech "200 Mega Watt (MW) Barnes
County Wind Farm & 230 kV Transmission Line" correspondence. There is
potential for unrecorded and recorded properties in a variety of physiographic
settings in the overall study area north of Valley City, as indicated on the
attached map.

Marvin L. Kaiser
Williston

Richard Kloubec
Fargo

Sara Otte Coleman
Director
Tourism Division

*If the project requires permits issued by a federal and/or state agency (e.g.,
WAPA, RUS, COE, USFWS, BOR, PSC) then the respective agency(ies) are
to be consulted regarding their recommendations on the project. As a potential
federal undertaking, we encourage agency consultation as part of the
Environmental Assessment process, as you indicated you have initiated in the
correspondence. At this point, we encourage that a Class I CRI (file and
records search) be prepared and submitted for review to the appropriate
agencies, as delineated from the map coverage you provided.*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director
Parks and Recreation
Department

Francis Ziegler
Director
Department of Transportation

Thank you for the opportunity to review the project, and to further consultation
on it. If you have questions please contact either Susan Quinnell at (701) 328-
3576 or Paul Picha at (701) 328-3574. Please include the **NDSHPO REF.:**
08-0310 in correspondence regarding the project.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

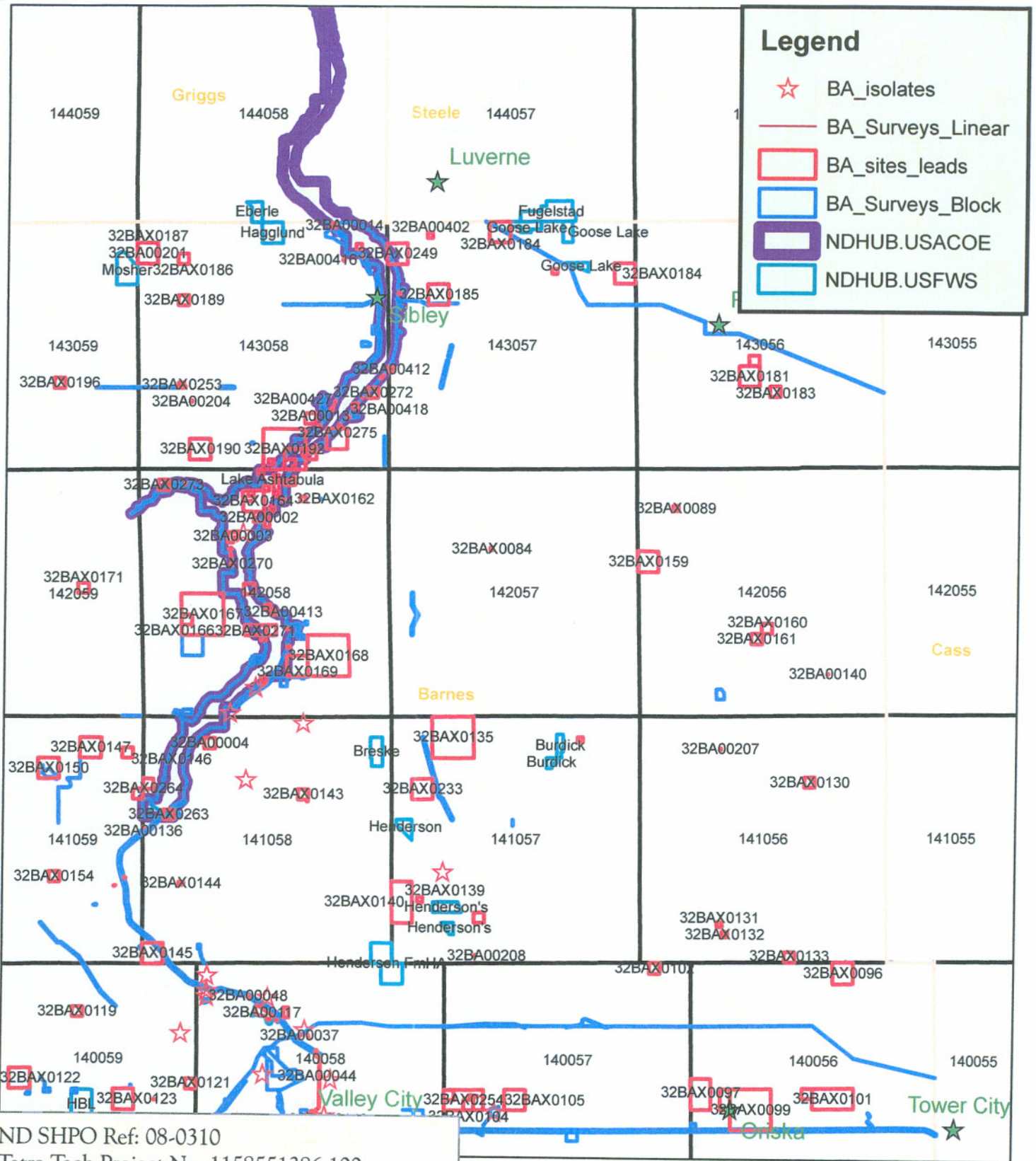
and
Director, State Historical Society of North Dakota

c: Susan E. Wefald, Commissioner, PSC, with 2 map enc.

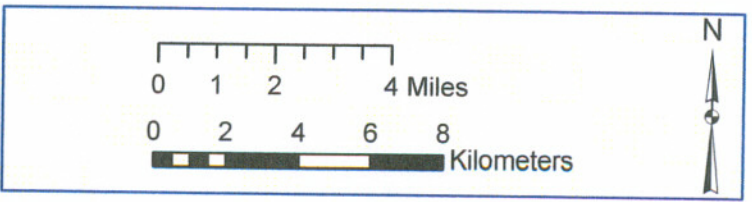
Accredited by the
American Association
of Museums

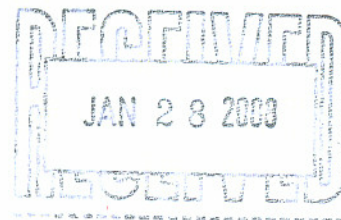
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- BA_sites_leads
- BA_Surveys_Block
- ▭ NDHUB.USACOE
- ▭ NDHUB.USFWS



ND SHPO Ref: 08-0310
Tetra Tech Project No. 1158551386.100
200 Megawatt Wind Energy Center
T141N R57W, T142N R57W and T143N R57W
Barnes County, ND
Plotted NAD 1983, in Sibley, Pillsbury,
Pillsbury SE and Pillsbury SW USGS Quads.
SHSND - 1/25/2008





January 25, 2008

Mr. Jeffrey R. Rice
Project Manager, Natural Resources
Tetra Tech
618 South 25th Street
Billings, Montana 59101

RE: Project Area Environmental Scan
Barnes County, North Dakota
Tetra Tech Project No. 1158551386.100

Dear Mr. Rice:

Job Service North Dakota administers the employment service and unemployment insurance programs.

We have no information regarding the boundaries of the tracts listed in your letter dated January 21, 2008 that would influence a decision regarding the use of the land or applicable permits.

Sincerely,

Maren Daley
Executive Director

John Hoeven
Governor

Lisa K. Fair McEvers
Commissioner

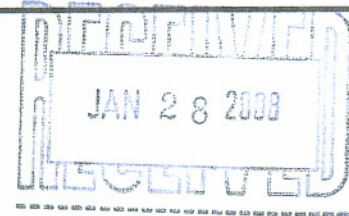


State Capitol - 13th Floor
600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

nd.gov/labor
nd.gov/humanrights

January 25, 2008

Mr. Jeffrey R. Rice
Project Manager, Natural Resources
Tetra Tech
P.O. Box 30615
Billings, MT 59107

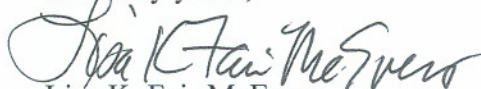


Dear Mr. Rice,

Thank you for your letter of January 21, 2008, inquiring about assistance from the North Dakota Department of Labor in identifying environmental properties or other concerns the department may have for your Barnes County project. As noted in previously correspondence, the Department of Labor enforces wage and hours laws, investigates allegations of discrimination in employment, housing, public services, public accommodations and credit transactions.

The Department of Labor has no authority to issue any permits regarding land or environmental concerns. Your questions may more appropriately be addressed to the North Dakota Public Service Commission, located at 600 E. Boulevard Avenue, Dept. 408, Bismarck, ND 58505-0480. It is my understanding that inquiries of this type may be brought to either Jerry Lien or Pat Pahn at the aforementioned address or by telephone at (701) 328-2400.

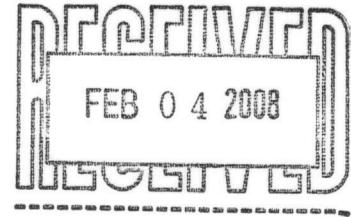
Sincerely yours,


Lisa K. Fair McEvers
Commissioner



January 31, 2008

Mr. Jeffrey R. Rice
Project Manager, Natural Resources
Tetra Tech, Inc.
P.O. Box 30615
Billings, MT 59107



Re: Project No 1158551386.100, Wind Energy Center & Transmission Line
Barnes County, North Dakota

Dear Mr. Rice:

This department has reviewed the information concerning the above-referenced project submitted to Dr. Terry Dwelle under date of January 21, 2008, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

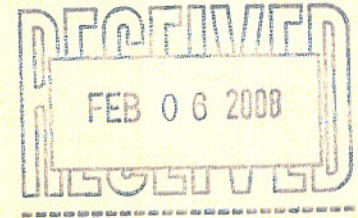
Lynn D. Helms - Director

North Dakota Industrial Commission

www.state.nd.us/ndgs

February 1, 2008

Jeffery R. Rice
Tetra Tech
P.O. Box 30615
Billings, MT 59107



Re: Project Area Environmental Scan – Barnes County, North Dakota
(TTP# 1158551386.100)

The North Dakota Geological Survey (NDGS) appreciates the opportunity to provide comment regarding your proposed project. No environmental properties of interest or related concerns or issues were identified at this time. The NDGS does not currently require any specific permits for the proposed project area as described in your January 21, 2008 letter.

Please feel free to contact our offices at (701) 328-8000 at any time if there are any additional comments, questions, or concerns.

Sincerely:

North Dakota Geological Survey:

Fred J. Anderson
Geologist

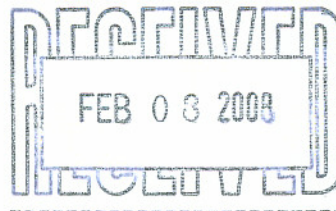
FJA\



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor



February 5, 2008

Jeffrey R. Rice
Project Manager
Tetra Tech
P.O. Box 30615
Billings, MT 59107

POTENTIAL LOCATION FOR 200 MEGAWATT (MW) ENERGY CENTER ASSOCIATED WITH 230 KILOVOLT (kV) TRANSMISSION APPROXIMATELY FIVE MILES IN LENGTH, BARNES COUNTY, NORTH DAKOTA

We have reviewed your January 21, 2008, letter.

Kerry Johnson, Barnes County Road Superintendent, should be contacted if it is necessary to cross any county roads with utilities or do any road on the county right-of-way. Kerry's contact number is 701-845-8598.

Additionally, if because of this project any state highways need to be crossed or work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, John Thompson at 701-845-8800.

A handwritten signature in blue ink, appearing to read "Ronald Henke".

RONALD J. HENKE, P.E - DIRECTOR, OFFICE OF PROJECT DEVELOPMENT

57:rjh:js

c: John Thompson, Valley City District Engineer



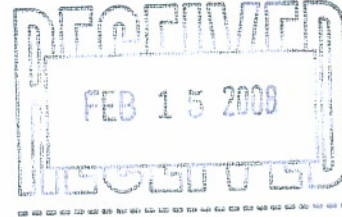
John Hoeven, Governor
Douglass A. Prchal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

February 6, 2008

Jeffrey R. Rice
Tetra Tech
PO Box 30615
Billings, MT 59107

Re: Wind Energy Center Project
Barnes County, North Dakota
Project No. 1158551386.100



Dear Mr. Rice:

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced project to investigate a potential site for a wind energy center in areas located in Sections 2, 4, 8-9, 11, 22, and 23, T141N, R57W; Sections 4-10, 17, 20, 21, 27-29, and 31-33, T142N, R57W; and Sections 20, 22, 27, and 32-34, T143N, R57W, Barnes County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, several occurrences have been identified within or adjacent to the project area including: *Pascopyrum smithii* – *Stipa comata prairie* (Central mixed grass prairie), *Spartina pectinata* – *Calamagrostis stricta* – *Carex spp. herbaceous vegetation* (wet prairie), *Andropogon gerardii* – *Schizachyrium scoparium transition tallgrass prairie* (Central mesic tallgrass prairie), and *Schizachyrium scoparium* – *Bouteloua curtipendula* – *Stipa spartea prairie* (dry mesic tallgrass prairie). Please see attached spreadsheet and map for more specific information on these communities.

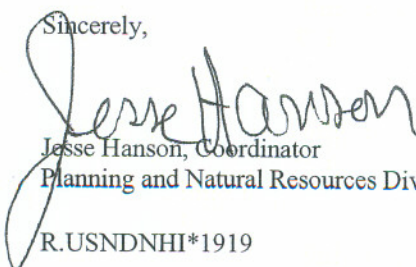
Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

It is our policy to charge out-of-state requests for data services including data retrieval, data analysis, manual and computer searches, packaging and collection of data. An invoice for services provided has been enclosed.

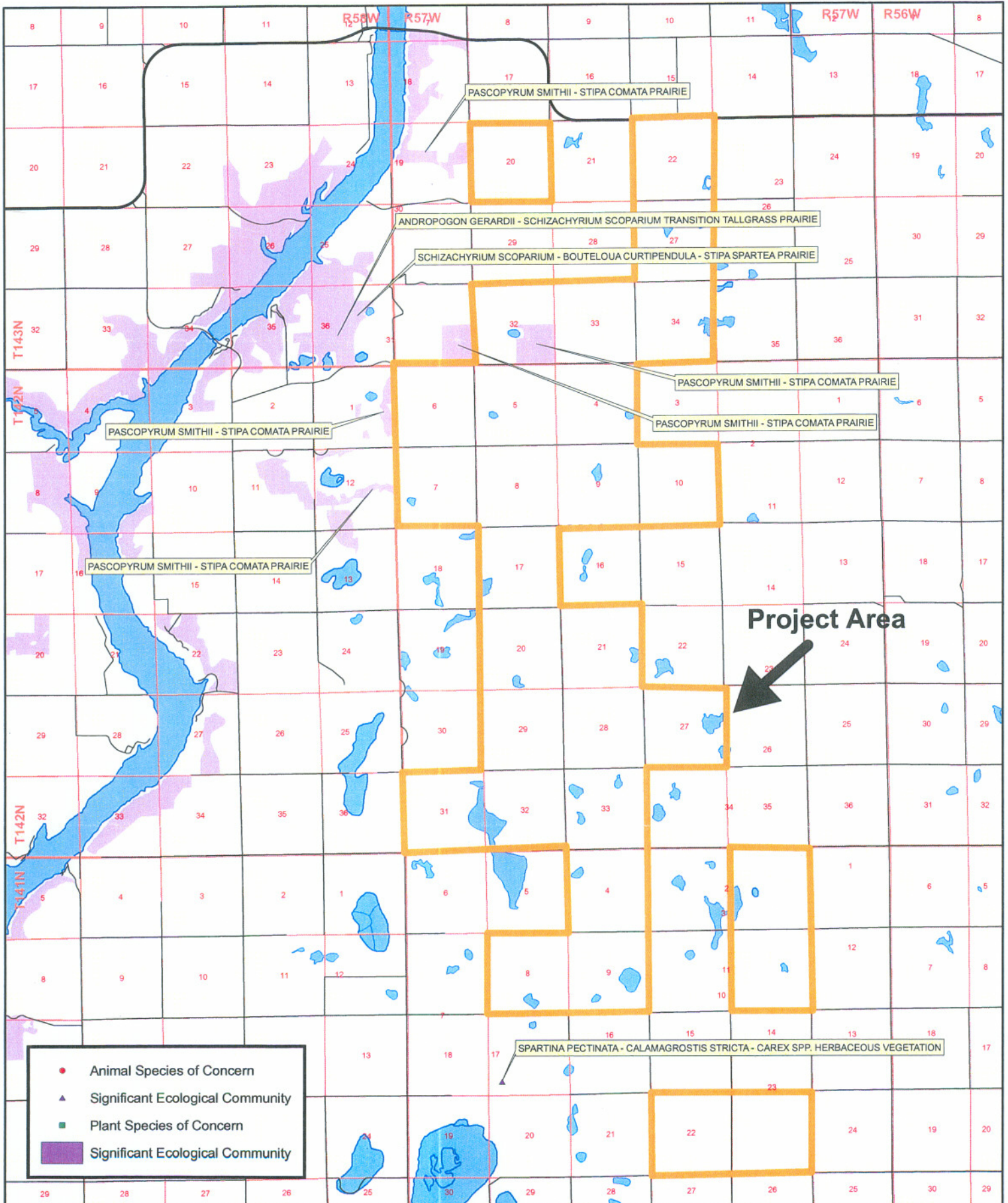
Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff if additional information is needed.

Sincerely,


Jesse Hanson, Coordinator
Planning and Natural Resources Division
R.USNDNHI*1919

.....
Play in our backyard!

North Dakota Natural Heritage Inventory Species of Concern and Significant Ecological Communities



North Dakota Natural Heritage Inventory
Species of Concern and Significant Ecological Communities

State Scientific Name	State Common Name	Township & Range	Section	TRS Notes	State Rank	Global Rank	Federal Status	Last Observation
SPARTINA PECTINATA - CALAMAGROSTIS STRICTA - CAREX SPP. HERBACEOUS VEGETATION	WET PRAIRIE	141N057W	17	W2SW4	S2S3			9/14/1985
PASCOPYRUM SMITHII - STIPA COMATA PRAIRIE	CENTRAL MIXED GRASS PRAIRIE	142N058W	1		S2			9/22/1998
PASCOPYRUM SMITHII - STIPA COMATA PRAIRIE	CENTRAL MIXED GRASS PRAIRIE	142N058W	12	11; 13	S2			9/24/1998
PASCOPYRUM SMITHII - STIPA COMATA PRAIRIE	CENTRAL MIXED GRASS PRAIRIE	143N057W	19	18; 7	S2			8/28/1998
PASCOPYRUM SMITHII - STIPA COMATA PRAIRIE	CENTRAL MIXED GRASS PRAIRIE	143N057W	31		S2			8/28/1998
PASCOPYRUM SMITHII - STIPA COMATA PRAIRIE	CENTRAL MIXED GRASS PRAIRIE	143N057W	32	SE4	S2			8/28/1998
ANDROPOGON GERARDII - SCHIZACHYRIUM SCOPARIUM TRANSITION TALLGRASS PRAIRIE	CENTRAL MESIC TALLGRASS PRAIRIE	143N058W	36		S1			8/28/1998
SCHIZACHYRIUM SCOPARIUM - BOUPELLOUA CURTIPENDULA - STIPA SPARTEA PRAIRIE	DRY MESIC TALLGRASS PRAIRIE	143N058W \ 142N058W	36 \ 3	35; 25; 34	S1			8/28/1998

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

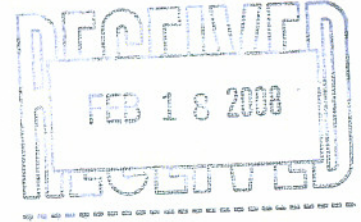


North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

February 15, 2008

Jeffrey Rice
Tetra Tech
PO Box 30615
Billings, ND 59107



Dear Mr. Rice:

This is in response to your request for review of environmental impacts associated with the Project Area Environmental Scan, Barnes County, ND, Tetra Tech Project No. 1158551386.100.

The proposed project have been reviewed by State Water Commission staff and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson
Research Analyst

LJK:ds/1570

APPENDIX E
PRE-CONSTRUCTION PROTOCOLS

**Protocols for Pre-Construction Avian Studies
Ashtabula Wind Energy Center
Barnes County, North Dakota**

➤ ***Spring Avian Point Count Surveys***

Objective: *To avoid and minimize potential adverse effects on avian use within the project area.*

The avian point count surveys will be conducted weekly in the spring from late March (weather permitting) through the end of May. Fixed point count surveys will be conducted at circular plots in the study area, with in-transit observations of birds made while traveling between survey points. Surveys will be conducted during daylight hours. A series of observation points will be established in the area identified by FPL Energy as the likely locations of turbine strings. Points that provide the best views and coverage of as much of the area where turbine strings are proposed will be selected. The number of points selected will be limited to those that can be covered in a single field day. Avian observations will be focused on recording all birds within an 800-meter radius circle centered on the observation point location, although birds beyond 800 meters will also be recorded. The duration of the survey at each point will be 20 minutes. The UTM coordinates will be documented in the field using a GPS unit. Final data sheets will be prepared after the initial project setup.

The Project Area is utilized by migratory species, including grassland birds and waterfowl. Several USFWS wetland easements and Waterfowl Production Areas (WPAs) are within the Project Area and in the vicinity. During spring avian point counts, all birds observed will be recorded and special note of any shorebirds, waterbirds, and waterfowl observed within 0.5 mile of the Project Area will be noted. If large numbers of shorebirds, waterfowl, or waterbirds are observed migrating over or stopping in the Project Area, available information on the habitats that shorebirds are likely to use during the return southward migration, which begins in mid-July, will be reviewed. This review will include contacting USFWS personnel to gather background information on habitat requirements in the area. A recommendation as to whether July and August point counts are warranted during the construction phase of the project will be made.

➤ ***Raptor Nest Surveys***

Objective: *Surveys of raptor nests throughout the Project Area to document the intensity of resident raptor use will identify sites where effects may be further minimized.*

At the same time as initiation of point counts, an initial ground survey for raptor nests in the study area will be conducted. These surveys will consist of driving the roads and/or walking (if there are areas not visible from roads and the landowner allows access) throughout the study area, searching for evidence of raptor tree stick nests. The first surveys will be conducted prior to leaf-on when nests are visible. Presence/absence of

raptor activity in and near potentially suitable nesting habitat will be recorded during these (and all other) surveys. Whenever possible, the sex and age class of all raptors observed will be determined. If an adult exhibiting nesting behavior (courtship or carrying food, for example) is observed, the area will be searched for a nest if one has not already been located. Without creating a disturbance, the UTM coordinates of each nest will be recorded in the field with a GPS unit so that it can easily be found for future monitoring. The location of each nest will be plotted on a field map of the WRA. Where feasible and without disturbing nesting birds, each nest will be photographed from at least one direction and recorded. Any nests found will be classified according to following nesting status: incubating adult, tended, or of special interest; and will be re-visited in May to determine subsequent activity status. Nests determined to be active in May may be revisited in the June-July time period to determine nest productivity. Results of field monitoring will be included in the pre-construction avian monitoring report.

➤ ***Post-Construction Monitoring***

Objective: *Identify any avian mortalities that might occur from collisions with wind turbines.*

FPL Energy's post-construction monitoring plan includes the Wildlife Response Reporting System (WRRS). FPL Energy field technicians, during routine maintenance operations, are required to walk three concentric circles around the base of the turbine and report and document avian mortalities. These records will be kept for review and monitoring purposes.

According to the USFWS, additional post-construction monitoring is not likely to be necessary; however, a final determination on the need for additional monitoring will be made based on the results of spring avian studies.

Protocol for Pre-Construction Cultural Inventory
Ashtabula Wind Energy Center
Barnes County, North Dakota

➤ ***Class II Cultural Inventory***

Objective: *Class II surveys will be conducted to identify cultural resources that could be affected by project facilities within the Project Area and proposed transmission line corridor.*

On September 6, 2007 Beaver Creek Archaeology, Inc. (BCA) conducted a Class I inventory of the area in which the wind farm is proposed. This inventory covered approximately 123 sections of land north of Valley City, North Dakota. The results of the Class I inventory (file search of sites and previous investigations) were plotted on USGS 7.5' quadrangle maps so that known cultural resources could be avoided during preliminary planning. The maps were also used in deciding upon the level of further investigations needs for the project.

Based on the results of the file search, seven manuscripts, nine archaeological site leads, one architectural site, and one architectural site lead were found within the records. The project area contains relatively few archaeological, historic, and architectural sites. However, this is likely due to the lack of cultural resource inventories performed in the project area. In addition, the rolling prairie landscape with hills, knolls, and bluffs combined with an abundance of water indicate that the project area may contain archaeological sites. A qualified archaeologist will perform a Class II/III pedestrian survey, the results of which will be used to microsite turbines to avoid resources. This survey will be conducted when weather permits. During the survey, blocks (150 x 150 meter) around the proposed turbine locations will be inventoried if field observations indicate they are warranted. Based on professional judgment, these areas would have a relatively high potential to contain cultural resources. The inventory will use pedestrian transects spaced at 20 meter (or less) intervals and will adhere to the guidelines outlined in *North Dakota SHPO Manual for Cultural Resource Inventory Projects Revised Edition* (SHSND 2004).

Protocol for Pre-Construction Wetlands Inventory
Ashtabula Wind Energy Center
Barnes County, North Dakota

***Objective:** Wetland field surveys will be conducted to identify wetlands and other aquatic resources that could be affected by project facilities within the project area and proposed transmission line corridor.*

Off-site (desktop) determination methods will first be used to identify probable locations of wetlands and waterbodies, while on-site methods will be employed to verify wetland identifications and gather information to assess probable jurisdictional determinations.

The desktop determination activities will also be used to identify potential impacts to wetland areas resulting from construction of the project, access roads, underground electrical (UE) collection lines, other project features (met towers, operations building, and construction laydown areas), and the transmission line corridor. Results will be used to estimate potential impacts to wetlands and waterbodies, provide an opinion of federal jurisdiction, and offer alternatives to project design and activities to avoid and minimize impacts to jurisdictional areas.

The on-site (field) visit will be conducted to verify wetland identifications and gather information to assess probable jurisdictional determinations. During this effort, sufficient information will be gathered to allow for preparations of Department of the Army (DA) Clean Water Act Section 404 Nationwide Permit (NWP) application, if the proposed impacts from the project eclipse the notification threshold of the NWP #12 for Utility Line Activities in wetlands deemed subject to U.S. Army Corps of Engineers (USACE) jurisdiction. Wetland information coupled with project specific details such as turbine layout will be used to guide personnel to the most sensitive areas during on-site activities.

Personnel experienced in the identification of wetlands and wetland functions and values as they relate to jurisdictional status will conduct a field survey of wetlands and other aquatic resources along the proposed transmission corridor. Biological and hydrological resources of note will be identified and documented in field notes. Description of resources along the corridors will be specified.

Wetlands within the project area will be delineated using the methods described in the 1987 USACE Wetland Delineation Manual (Environmental Laboratory, 1987) and supplemental delineation guidance by the USACE contained in the field memoranda dated February 20, 1992 and March 6, 1992, as well as the Questions and Answer memoranda dated October 7, 1991. These methods incorporate a three-parameter approach using vegetation, soils, and hydrology to identify the presence of freshwater wetlands. The extent of waterbodies, other than wetlands, will be determined by applying the USACE definition of Ordinary High Water Mark (OHWM). The OHWM refers to a line on the shore established by fluctuations of water and is indicated by the following physical characteristics: presence of a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; presence of litter and debris; or other appropriate means that consider characteristics of surrounding areas.

Information to be collected in the field includes vegetative characteristics, geographic location, hydrologic setting, characteristics of soils, and field observations as they relate to wetland functions and values.

Concurrent with wetlands surveys, biologists will identify those areas meeting the definition of waters of the U.S. The current definition of waters of the U.S. can be found in the Corps/EPA CWA regulations (33 CFR 328.3(a)), the term “waters of the U.S.” is defined as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the U.S. under the definition;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section.

In the USACE RHA regulations (33 CFR Part 329.4 (RHA)), the term “navigable waters of the U.S.” is defined to include all those waters that are subject to the ebb and flow of the tide, and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Jurisdictional waters of the U.S., including wetlands, will be identified in accordance with the USACE Jurisdiction Determination Form Instructional Guidebook (Corps JD Guidebook) revised on June 5, 2007, pursuant to the Rapanos Guidance.

Based on this guidance the USACE and United States Environmental Protection Agency (USEPA) will assert jurisdiction over the following types of waters:

- Traditional Navigable Water (TNWs) and wetlands adjacent to TNWs
- Non-navigable tributaries of TNWs that are relatively permanent (flow year-round or have continuous flow at least seasonally) and wetlands that directly abut these tributaries

In addition, the following waters are also considered jurisdictional based on a fact-specific analysis indicating they have a significant nexus with a TNW:

- Non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to, but do not directly abut, a relatively permanent non-navigable tributary

Application of a significant nexus evaluation will include:

1. An assessment of the flow characteristics and functions of the tributary, itself, in combination with the functions performed by any wetlands adjacent to the tributary to determine if they have more than an insubstantial or speculative effect on the chemical, physical and/or biological integrity of TNWs. This assessment includes consideration of hydrologic factors such as:
 - volume, duration, and frequency of flow, including consideration of certain physical characteristics of the tributary
 - proximity to the traditional navigable water
 - size of the watershed
 - average annual rainfall
 - average annual winter snow pack
2. A consideration of ecologic factors such as:
 - the ability of the tributary and its adjacent wetlands (if any) to carry pollutants and flood waters to traditional navigable waters;
 - the ability of the tributary and its adjacent wetlands (if any) to provide aquatic habitat that supports biota of a traditional navigable water;
 - the ability of the adjacent wetlands to trap and filter pollutants or store flood waters; and/or,
 - the ability of tributary and its adjacent wetlands to maintain water quality.

Other waters or features which may be considered jurisdiction in accordance with the *Rapanos* Guidance are:

- Certain ephemeral waters in the arid west are distinguishable from the geographic features described below where such ephemeral waters are tributaries and may have a significant nexus to TNWs.
- Certain geographical features (e.g., ditches, canals) that transport relatively permanent (continuous at least seasonally) flow directly or indirectly into TNWs or between two (or more) waters of the U.S., including wetlands, are jurisdictional waters regulated under the CWA.
- Certain geographic features (e.g., swales, ditches, pipes) may contribute to a surface hydrologic connection where the features:
 - replace or relocate a water of the U.S., or
 - connect a water of the U.S. to another water of the U.S., or
 - provide relatively permanent flow to a water of the U.S.

The following geographic features are generally are not considered to be jurisdictional waters:

- swales, erosional features (e.g. gullies) and small washes characterized by low volume, infrequent, and short duration flow
- ditches (including roadside ditches) excavated in and draining only uplands and that do not carry a relatively permanent flow of water
- uplands transporting over land flow generated from precipitation

For all areas which are identified to be wetlands or waters of the U.S., UTM coordinates will be collected in the field with a GPS unit. Locations will then be graphically depicted on maps presented in the Section 404 permit application, if required. Wetlands and waters of the U.S. will also be flagged during this task to facilitate avoidance during construction.

A formal wetland delineation report, suitable for submittal to the USACE, will be prepared and will detail the findings of the review and field investigation. Information included in this report will include: a description of the project areas including figures and acreage calculations, soil and vegetation conditions, an assessment of the jurisdictional status based on field observations of hydrologic, vegetative conditions, and soil conditions, including wetland delineation data sheets. This report will focus on those wetlands which may be impacted by the proposed array, access roads, laydown areas, other project features and transmission line.