

## Border Winds Energy Project Permit Status Matrix [Confidential]

Adapted from Permit Status Matrix by Westwood Professional Services/Sequoia that was last updated: June 2013 by Sequoia Energy

Colour Codes:

Approved	Submitted or Coordinated; Some Follow-up Required
To be Submitted	Need to be Determined
Not Needed	

Agency	Permit or Approval	ID No.	Trigger	Responsible Party <sup>1</sup>	Date Submitted /Approved	Status as of May 13, 2011 (Westwood)	Status as of Jan 8, 2014 / Comments	Date Required By
<b>Federal</b>								
U.S. Army Corps of Engineers (USACE)	Section 404 Nationwide Permit (NWP) for Wetlands	TBD	> 0.1 acre of jurisdictional wetland fill	Westwood	5/28/2010	Application has been submitted. Need to identify compensatory wetland mitigation to obtain permit (2.24 acres if wetland restoration; 2.98 acres if wetland creation).	Wetland delineation completed in October-November 2013. Wetland report and supplemental wetland information confirm there will be no permanent wetland fills of Army Corps jurisdictional wetlands from the project that exceed the 1/10th acre pre-construction notification threshold for nationwide permits (NWP). Wetland package submitted to USACE on December 30, 2013. Project was discussed with Jason Renschler (USACE) and he confirmed that no USACE 404 permitting or mitigation is necessary. He will provide a letter to document the jurisdictional determination of the wetlands survey and the lack of permitting/mitigation requirements in January 2014. Minor wetland impacts from temporary activities and access roads are covered under NWP 12 and NWP 14. No wetland impacts will occur from placement of turbines.	
U.S. Fish and Wildlife Service (USFWS)	Concurrence that no permit is needed	TBD	Federal involvement or impacts to wetlands on USFWS wetland easement lands	RES/WEST	On-going	Responded to USFWS comments on 09/29/10. USFWS verbally concurred with mowing of CRP construction zones in lieu of bird nest surveys. Avian and Bat Protection Plan is being prepared. Field review of staked construction limits on USFWS wetland easement lands to confirm wetland avoidance.	Coordinated with USFWS early in the siting process for the Project, in accordance with the USFWS Land-Based Wind Energy Guidelines (WEGs, 2012). Project coordination occurred with State and Federal Wildlife agencies in early 2010 during ND PSC permitting process. USFWS provided recommendations in a comment letter December 14, 2010. RES developed a Bird and Bat Conservation Strategy (BBCS/ABPP) in response to the December 14, 2010 recommendations and in accordance with the WEGs. The BBCS was submitted to USFWS for review on September 30, 2013. No further comments have been received to date from USFWS.	Strategy Effective Date = Feb 17, 2014 per the PSA with Xcel
Federal Aviation Administration (FAA)	Determination of No Hazard (DNH)/Does Not Exceed (DNE)	2013-WTE-3631/3710	Structures > 200 feet tall	RES	12/8/2009	Form 7460-1 was approved. Resubmitted for 8 turbines on 3/3/2010; Obtained 6 DNEs and 2 DNHs on 4/20/2010. Permanent meteorological towers may also require FAA approval.	Form 7460-1 was submitted 06/07/2013 and Determinations of No Hazard (DNH) letter were received for preliminary layout of 80 Vestas turbine locations on July 22, 2013. If turbines move more than 50 feet they will need to be resubmitted to FAA. Permanent met tower locations have not been applied for and will need to be done once locations are identified.	45 days (?)
Federal Aviation Administration (FAA)	Notice of Actual Construction or Alteration (Form 7460-2)	2013-WTE-3631/3710	Structures > 200 feet tall	RES	Future	Submit Form 7460-2 5 days after turbines are erected and reach their greatest height. Permanent meteorological towers may require separate FAA approvals.		
USDA Farm Service Agency (FSA)	Termination and re-write of CRP Contracts	NA	Permanent (road/turbine) conversion of CRP land prior to expiration of permit	RES	NA	Follow up with FSA for partial termination of CRP contracts on Ray Hudson property after construction. FSA County Committee approved the CRP termination for the Ray Hudson property. The James Hudson public use request for road improvement on CRP land was submitted and does not require termination. Contracts # 863A, 864E, 866A, 868A, and 869A	Based on title and ALTA work through end of 2013, all CRP contracts within the project footprint have expired. No active CRP contracts or FSA mortgages are present on parcels within the project footprint.	

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USDA Farm Service Agency	Environmental Assessment for Class I Action	NA	Wind energy development on FSA Mortgage land	RES	NA	Not required. FSA Farm Loan Manager in Bottineau confirmed that no approval is needed because no construction will occur on FSA-mortgaged Ross and Bonnie Good property.	Based on title and ALTA work through end of 2013, all CRP contracts within the project footprint have expired. No active CRP contracts or FSA mortgages are present on parcels within the project footprint.	confirm with Brad/Good property still in project footprint? Any direct impact?
U.S. Department of Energy (DOE)	Presidential Permit for Facility on the U.S.-Canadian Border: Electricity Export Permit	NA	Transmission line upgrade at the point where it crosses the international border; Sale of electricity into the Canadian market	Westwood	NA	Not required because trigger is not tripped.		
Lead Federal Agency	NEPA Environmental Assessment; NHPA Section 106 Process	NA	Federal involvement (federal money, effects on federal land, major federal permit(s))	Westwood	NA	Not required because trigger is not tripped. The project does not involve a USDOE loan guarantee.		
U.S. Environmental Protection Agency (EPA)	Spill Prevention Control and Countermeasure (SPCC) Plan	TBD	Above ground oil storage capacity > 1,320 gallons	Contractor	Future if needed	To be prepared if necessary. Determine whether 1,320 gallon trigger will be tripped.	RES Construction (or appropriate subcontractor) will prepare if necessary. Determine whether 1,320 gallon trigger will be tripped.	
<b>State</b>								
ND Public Service Commission (NDPSC)	Certificate of Site Compatibility	PU-08-797	Energy conversion facility designed for generating > 60 MW of electricity <sup>2</sup> (See Comments)	RES	10/24/2008	NDPSC approved the project on 05/05/2011. Public hearings held on 11/03/2009 and 01/24/2011. <b>Provide tree and shrub inventory and mitigation plan before construction.</b>	NDPSC Transfer of Ownership and Certificate Amendment were submitted on January 8, 2014.	NDPSC Amendment timing = 60-90 days. Tree and shrub inventory/mitigation plan Feb 2014; Tree and shrub mitigation approval April 2014
ND Public Service Commission	Certificate of Corridor Compatibility and Route Permit	NA	Transmission line with a design capacity of over 115 kV and a length > 1 mile	NA	NA	Not required.		
ND Department of Health (NDDOH)	NPDES General Permit Coverage	TBD	Construction disturbance of > 1 acre of land	RES	Future	To be prepared and submitted concurrent with final construction planning.	RES Construction (or appropriate subcontractor) will prepare and submit with final construction planning in 1 <sup>st</sup> quarter 2014.	30-45 days (confirm with Westwood)
ND Department of Health	Section 401 Water Quality Certification	NA	Individual Section 404 Permit from USACE	Westwood	NA	Not required. USACE Section 404 Nationwide Permit is pending. NDDOH has provisionally certified Nationwide Permits in North Dakota.		
ND State Water Commission (NDSWC)	Conditional Water Permit (Application: SWC Form 108) (O&M)	TBD	Construction of a well for "commercial" water use or a domestic well using ≥ 12.5 acre-feet of water/year	Contractor	Future if needed	To be prepared if necessary. Permit process may take 6 months. A single well for domestic-type water use at an O&M Facility would not likely be considered a "commercial" water use. Contact Hydrologist Jon Patch at NDSWC (701-328-3440; jpatch@end.gov).	RES Construction (likely the O&M subcontractor) will prepare and submit with final construction planning in 2014, if needed.	
ND State Water Commission (NDSWC)	Conditional Water Permit (Application: SWC Form 108) (construction use)	TBD	Construction of a well for "commercial" water use or a domestic well using ≥ 12.5 acre-feet of water/year	Contractor	Future if needed		RES Construction is currently confirming if new well permit needed for construction water or if other available sources can be used for construction.	
ND Department of Transportation	Utility Occupancy Permit	TBD	Placement of utilities along or across NDDOT right of way	Contractor	Future	Permit to be obtained for cable crossing beneath State Hwy. 30 between Turbines C6 and F2.	Permit to be obtained for cable crossing beneath State Hwy. 30 at two points (T18-T19 and T17-T38). Possible permit for cable crossing beneath St Hwy 43 between T33 and T16.	Confirm timing with Westwood.
ND Department of Transportation	Driveway/Access Permit	TBD	Construction of an access to a state highway	Contractor	Future	Permit to be obtained for temporary crossing over State Hwy. 30 between Turbines C7 and D1/D2.	Permit to be obtained for up to three access drives from Hwy 30 to A1/A2, T19, and T20.	Confirm timing with Westwood.
ND Highway Patrol	Oversize/Overweight Permit	TBD	Use of oversize/overweight vehicles on State Highways	Contractor	Future	Determine proposed haul routes; prepare and submit permit application.	RES Construction (or appropriate subcontractor) will prepare and submit these permits concurrent with final construction planning in 2 <sup>nd</sup> quarter of 2014.	

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ND State Historical Society (SHPO)	Cultural Resources Concurrence	08-1046	NDPSC requires documentation of SHPO review/concurrence	Westwood	10/5/2010	SHPO accepted the Unanticipated Discovery Plan in a letter dated 12/01/2010. In a letter dated 01/03/2011 regarding the Coughlan Castle, SHPO wrote: "We have no additional requests or comments." Submitted the Class III Intensive Cultural Resources Inventory to SHPO on 10/5/2010. May require new schematic mosaic to illustrate that turbines do not ruin the view shed of the Castle.	Cultural Resources Review and State and National Register of historic Sites Review complete. Pedestrian survey complete, with no recommended additional work. Report submitted to North Dakota SHPO in December 2013.	
<b>Regional</b>								
Lake Region Health District (LRHD)	Individual Sewage Treatment System (ISTS)/Septic Tank and Drainfield Permit	TBD	Construction of an Individual Sewage Treatment System	Contractor	Future	<a href="#">To be prepared and submitted. Comply with LRHD Sewage Treatment Code and state plumbing code. Avoid stripping topsoil. Contact Allen McKay, LRHD, Devils Lake, ND (701-662-7040; amckay@nd.gov).</a>	RES Construction (likely the O&M subcontractor) will prepare and submit concurrent with final construction planning in 2 <sup>nd</sup> quarter of 2014, if needed	
<b>Local</b>								
Rolette County	Conditional Use and Building Permits	None	Towers > 50 feet tall	RES	11/19/2013	Approved on 01/19/2010. Rolette County approved the permit extension for the 2011 construction season on 01/04/2011.	Approved on 11/19/2013. Rolette County approved updated CUP and Building Permits to reflect the Vestas turbine layout, covering the 2-year construction window in 2014 and 2015.	
Rolette County	Permit for Facilities in ROW	TBD	Placement of utilities along or across county road right of way	RES	Future	To be submitted.		
Rolette County	Driveway/Access Permit	TBD	Construction of an access to a county road	RES	Future	To be submitted.	The Driveway/Access authority will likely reside within a road use agreement currently being discussed with Rolette County	
Rolette County	Road Agreement	TBD	Road impacts/reconstruction	RES	Future	To be submitted. County requires that haul roads be returned to preconstruction conditions.	Use of County roadways will require a road use/improvement agreement with Rolette County. Have consulted with County Commissioner and will pursue a standard Road Use/Improvement Agreement in 1 <sup>st</sup> quarter of 2014. Wold Engineering is the agent for Rolette County.	

<sup>1</sup> Westwood can provide permitting, plan preparation, or study support for the permits that will be responsibility of the Construction Contractor.

<sup>2</sup> In August 2009, the North Dakota Code was amended to change the definition of "Energy Conversion Facility" from a plant designed for or capable of generating 100 MW or more of electricity to a plant designed for generating more than 60 MW of electricity. **Update:** The ND Energy Conversion and Transmission Facility Siting Act now defines an "Energy conversion facility" to include energy conversion facilities designed for generating > 0.5 MW of electricity