

December 6, 2010

Merricourt Wind Power Project

Requests

1. Final layout for the Public Hearing.
Response: Please see the attached map.

Questions/Responses on Application:

1. The Exclusion/Avoidance maps do not show the critical habitat for the piping plover.
Response: Please see the attached map.
2. Requested a map showing all the occupied residences in the project area. The map needs to also show the distance from the occupied residence to the turbine.
Response: Please see the attached map.
3. Table 2, page 7 is inconsistent with the maps.
Response: Table 2, page 7 has been updated as reflected below.

Table 2. Site Location

County	Township Name	Township	Range	Sections
Dickey	German	131	66	19, 20, 29-34 <u>S½NW¼ and N½SW¼ 29, 30, 31, and SW¼ 32</u>
	Spring Valley	130	66	3-6, 8, 9 <u>4 (West of ND 56), 5, 6, and NW¼ 9</u>
McIntosh	Rosenthal	131	68	25, 36 <u>S½SE¼, NE¼SE¼, SE¼NE¼ 24; and 25-36</u>
	Antelope	131	67	<u>S½ 19, SE¼ 21, S¼ and S½N½ 23, and 25-36</u>
	Iowa	130	68	<u>1-12</u>
	Beresina	130	67	<u>1-12, 10, 16, 17</u>

4. Can the permit be directly issued to NSP as well as enXco?
Response: enXco will follow the normal PSC procedure in transferring the permit to NSP.

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5. Table 4, page 12, wetland setbacks are inconsistent.

Response: Table 4, page 12 has been updated as shown below.

Table 4. Summary of Exclusion Areas

Exclusion Area	Present within Project Site	Proposed Buffer	Section Addressed
Designated or registered national areas; parks; memorial parks; historic sites and landmarks; natural landmarks; historic districts; monuments; wilderness areas; wildlife areas; wild, scenic, or recreational rivers; wildlife refuges; and grasslands.	Present	25 <u>75</u> -foot buffer from USFWS wetland easements ¹ , and 25-foot <u>buffer from USFWS</u> grassland easements ² , <u>and a 1,320-foot setback from USFWS Waterfowl Production Areas</u>	7.8, 7.9
Designated or registered state areas; parks; forests; forest management lands; historic sites; monuments; historical markers; archaeological sites; grasslands; wild, scenic, or recreational rivers; game refuges; game management areas; management areas; and nature preserves.	Present	A 100-foot setback is being used from known archaeological sites	7.8, 7.9
County parks and recreation areas; municipal parks; parks owned or administered by other governmental subdivisions; hardwood draws; and enrolled woodlands.	None	N/A	7.4, 7.9
Prime farmland and unique farmland, as defined by the land inventory and monitoring division of the Soil Conservation Service, United States Department of Agriculture in 7 CFR part 657; provided, however, that if the PSC finds that the prime farmland and unique farmland that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural productions, such exclusion shall not apply.	Present	Approximately 31.1 acres of prime farmland and 15.1 acres of farmland of statewide importance will be permanently impacted by the proposed construction. The acreage of farmland that is being removed will be minor in terms of total farmland within the study area. No buffer is proposed.	7.10, 7.11
Irrigated land.	None	N/A	7.10

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Areas critical to threatened or endangered animal or plant species.	Present	75-foot buffer from USFWS protected wetland easements. No permanent impacts to wetlands.	7.17
Areas where animal or plant species that are unique or rare to this state will be irreversibly damaged.	None	N/A	7.15, 7.16, 7.17
<i>1 Setbacks from USFWS wetland easements are based solely upon the wetland basins protected under the wetland easements.</i>			
<i>2 In coordination with the USFWS Kulm Wetland Management District, a number of grassland easements were signed into protection in the last year. According to the District, enXco's wind easements supersede the newly acquired USFWS grassland easements; therefore, a number of turbines and associated facilities have been sited on these new easements. However, coordination for minimization measures to the newly acquired grassland easements is ongoing with the District.</i>			

6. Where are the raptor nests that were found located? Where did the buffer for the raptor nests come from? And finally, does this have occurrence from USFWS & NDGF?

Response: Dr. Bob Anderson cited many references in regards to the buffers for the raptor nests, please refer to Appendix I, Avian Assessment. enXco submitted a Biological Conditions & Effects Summary on November 24, 2010 to the USFWS. In this summary, it analyzes impacts and commitments from Threatened, Endangered & Candidate Species, migratory birds, and other wildlife.

7. Section 4.1.1, Setbacks, is the 1.1 x tower height setback from the edge of the roadway or the edge of the roadway right of way?

Response: The setbacks are from the edge of the roadway right of way.

8. How long is enXco's contract with NSP for operation and maintenance of the project, Section 6.5, page 29?

Response: Currently, enXco does have a contract with NSP; however, the details of this contract are proprietary.

9. Regarding wetlands, will we need a Section 404 permit?

Response: After KL&J conducted field wetland delineations in the project area, a wetland delineation report was prepared. In our professional judgment the project did not impact any jurisdictional wetlands; therefore, there is no need for a Section 404 permit. However, a wetland delineation report is being prepared for submittal to the US Army Corps of Engineers in order to obtain a jurisdictional determination under their regulatory authority.

10. Is enXco committing to post-construction mortality monitoring?

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Response: Yes, the details are currently being worked out with enXco, KL&J, NSP, and the USFWS. This is a commitment that was made in the Biological Conditions & Effects Summary and submitted to the USFWS.

11. Generally was wondering about our coordination with USFWS in regards to whooping cranes.

Response: Jennifer Turnbow discussed coordination efforts with Jerry Lein on November 9, 2010. Additionally, the Biological Conditions & Effects Summary discusses the effects determination and minimization efforts for the whooping crane. ***Please refer to the attached Biological Conditions & Effects Summary.***