
Appendix D
Agency Correspondence



November 24, 2008

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

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Ness:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

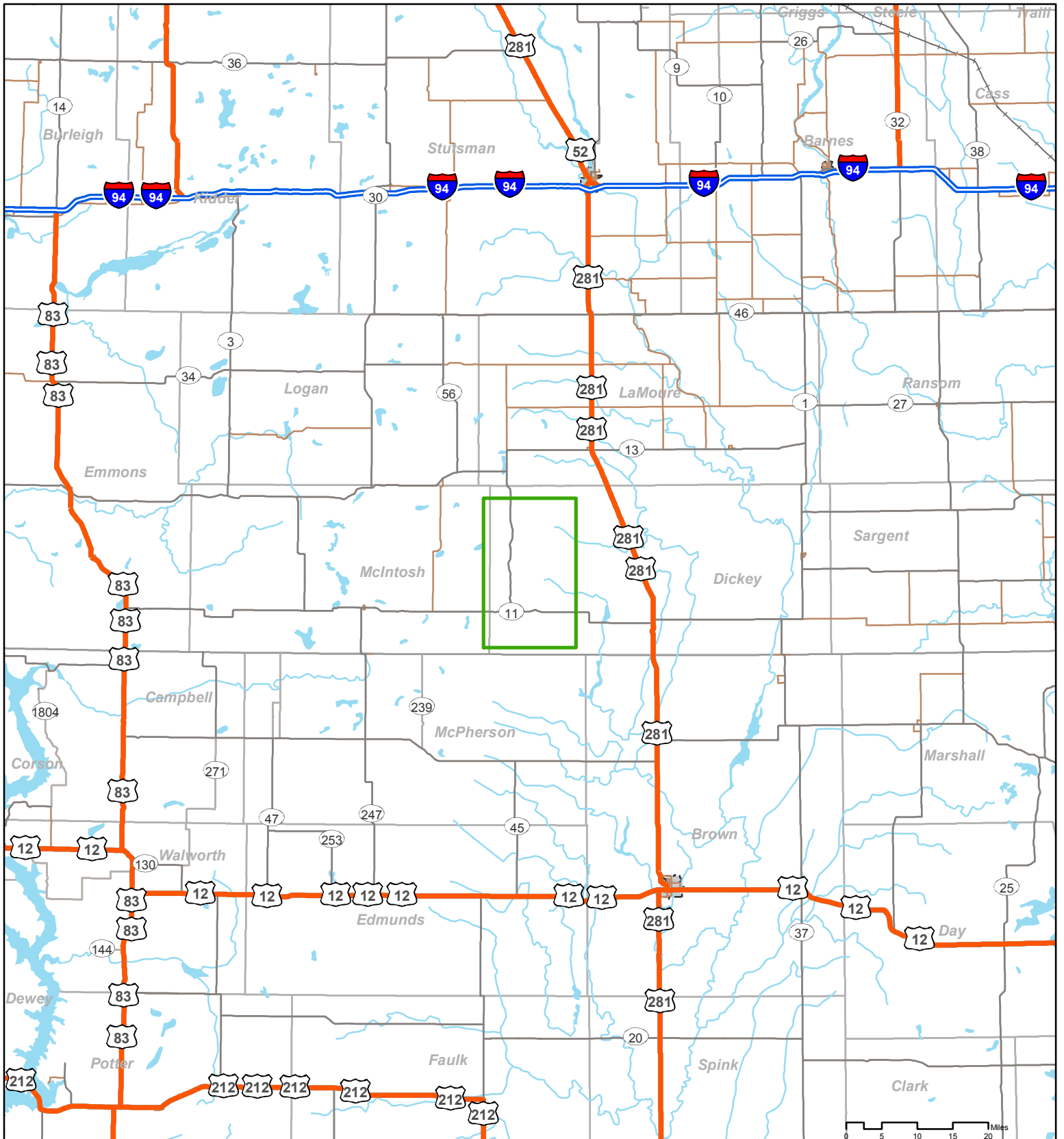
This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.



Thank you for your assistance.










Respectfully submitted,

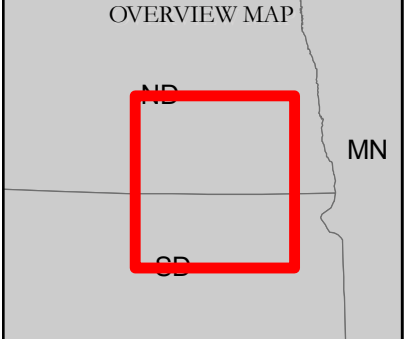
Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



0 5 10 15 20 Miles


 TETRA TECH EC, INC.
PROPOSED PROJECT AREA MAP
Dickey County
North Dakota
OCTOBER 2008


- Legend**
-  General Project Area
 -  Limited Access
 -  Highway
 -  Major Road
 -  Local Road
 -  Major Railroad Lines
 -  River/Stream
 -  Lake/Pond
 -  Urban Area





November 24, 2008

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

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Stenehjem:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
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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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



November 24, 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
Dickey County, North Dakota**

Dear Mr. Johnson:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 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
Dickey County, North Dakota**

Dear Mr. Kutzer:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 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**

Dear Mr. Goettle:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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.

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Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 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
Dickey County, North Dakota**

Dear Dr. Dwelle:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 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
Dickey County, North Dakota**

Dear Ms. Olson:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



TETRA TECH

November 24, 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
Dickey County, North Dakota**

Dear Ms. McEvers:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Mr. Edward C. Murphy, State Geologist
North Dakota Geological Survey
1016 East Calgary Ave
Bismarck, North Dakota 58503

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Murphy:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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:

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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie B. Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



TETRA TECH

November 24, 2008

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

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Governor Hoeven:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 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
Dickey County, North Dakota**

Dear Ms. Kulas:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Ms. Val Wagner
James River Soil Conservation District
P.O. Box 190
Ellendale, North Dakota 58436

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Ms. Wagner:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the James River Soil Conservation District for assistance in identifying 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Ms. Maren Daley, Executive Director
Job Service North Dakota
P.O. Box 5507
Bismarck, North Dakota 58506-5507

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Ms. Daley:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Mr. John Thompson
North Dakota Department of Transportation, Valley City District Engineer
1524 8th Avenue Southwest
Valley City, North Dakota 58072

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Thompson:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting North Dakota Department of Transportation for assistance in identifying 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:

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Grand Valley	130N	65W	4-9, 16-21, 29-31
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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



December 3, 2008

Mr. Terry Steinwand, Director
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, North Dakota 58501-5095

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Steinwand:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Game and Fish Department for assistance in identifying 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.

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We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



November 24, 2008

Mr. Douglass A. Prchal, Director
North Dakota Parks and Recreation Department
1600 E. Century Ave, Suite 3
Bismarck, North Dakota 58503

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Prchal:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the North Dakota Parks and Recreation Department for assistance in identifying 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.

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Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



November 24, 2008

J.R. Flores, State Conservationist
North Dakota NRCS State Office
220 East Rossner Ave, Federal Building, Room 270
Bismarck, North Dakota 58501

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Flores:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the National Resource Conservation Service Office for assistance in identifying 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.

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Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



November 24, 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
Dickey County, North Dakota**

Dear Ms. Sharp:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 26, 2008

Merlan E. Paaverud, Jr, SHPO
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Paaverud:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the State Historical Society of North Dakota for assistance in identifying 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Mr. Gary D. Preszler
North Dakota State Land Department
P. O. Box 5523
Bismarck, North Dakota 58506-5523

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Preszler:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Mr. Scott Hochhalter, Soil Conservation Specialist
North Dakota State Soil Conservation Committee
2718 Gateway Avenue, Unit #104
Bismarck, North Dakota 58503

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Hochhalter:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



November 24, 2008

Mr. Dale Frink, State Engineer
North Dakota State Water Commission
900 East Boulevard
Bismarck, North Dakota 58505-0850

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Frink:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 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 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



December 1, 2008

Daniel Cimarosti
U.S. Army Corps of Engineers – Omaha District
1513 South 12th Street
Bismarck, ND 58504

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Cimarosti:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the Omaha District for assistance in identifying 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the US Fish and Wildlife Service and North Dakota Fish and Game Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



December 2, 2008

Mr. Mick Erickson
Kulm Wetland Management District
1 First Street, SW - P. O. Box E
Kulm, North Dakota 58456

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Erickson:

As you know, Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the USFWS Kulm Wetland Management 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.

We have been in communication with your office regarding this project. Recently, we sent an email requesting information on grassland and wetland conservation easements. The project area includes portions of the following tracts:

Township Name	Township	Range	Sections
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the USFWS North Dakota Field Office, US Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757



December 2, 2008

Mr. Terry Ellsworth
USFWS North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

**RE: Project Area Environmental Scan
Dickey County, North Dakota**

Dear Mr. Ellsworth:

Tetra Tech is conducting an investigation of property in Dickey County west of Ellendale, North Dakota as a potential location for development of an approximately 175-megawatt (MW) wind energy center and an associated 230-kilovolt (kV) transmission line approximately 16 miles in length. The area shown in the attached figure is the primary focus of our investigation.

We are consulting the USFWS North Dakota Field Office for assistance in identifying 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
Grand Valley	130N	65W	4-9, 16-21, 29-31
Spring Valley	130N	66W	1-3, 9-15, 22-29, 32-36
Whitestone	131N	65W	28-33
German	131N	66W	25-27, 34-36

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, but not limited to, the USFWS Kulm Wetland Management District, US Army Corps of Engineers, and North Dakota Game and Fish Department.

Tetra Tech has recently completed numerous biological surveys within this project area (see Appendix 1). Those studies include the following:

- 2005 Pre-construction breeding waterfowl survey
- Critical Issues Analysis
- Whooping Crane Likelihood Assessment
- Bat Likelihood Assessment
- 2008 Fall Avian Point Count Survey
- 2008 Native Prairie Survey

FPL Energy has also contracted Ducks Unlimited to conduct studies related to potential impacts of wind energy development on breeding duck pairs in the Prairie Pothole region of North and South Dakota. These studies are currently underway.

Additional surveys are planned for the upcoming spring season may include:

- 2009 Spring Avian Point Count and Raptor Nest Survey
- 2009 Spring Sandhill Crane survey
- 2009 Spring Lek Survey

In addition, FPL Energy and Tetra Tech have been in communication with Mick Erickson of USFWS to discuss grassland easements and wetland conservation easements within the project boundary. FPL Energy plans to avoid all grassland easements and will avoid direct impacts to wetland conservation easements to the extent practicable. We understand that any impacts to grassland easements and any impacts other than directional drilling beneath wetland easements would require a right-of-way permit from the USFWS.

We would appreciate a response by December 24, 2008. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

Appendix 1: Summary of surveys conducted to date and preliminary results

2005 Pre-construction breeding waterfowl survey

During coordination meetings between FPLE and the USFWS, the USFWS expressed an interest in determining the effects of wind turbines on water fowl breeding success. FPLE voluntarily agreed to conduct a research program designed to help determine if nesting waterfowl avoid wind turbines. A study protocol, incorporating many of the features of the USFWS breeding waterfowl survey methods, was developed with input from the USFWS office(s) in Kulm and Bismarck, North Dakota. In October 2005, Tetra Tech completed a survey of the Rough Rider project (then known as Otterbridge). The purpose of the survey was to document the “baseline” species composition of nesting waterfowl and determine if selected control sites were statistically different from the sample sites. The study was designed as to help determine if nesting waterfowl avoid wind turbines.

The breeding pair count field protocol used was similar to that used by the USFWS, and the field data sheets and coding of data were identical to those used by the USFWS. The Study Area was subdivided into an Impact Area (within 1 mile of the proposed turbine locations), and a Control Area located to the north of the Impact area (beyond 1 mile from proposed turbine locations). Each quarter section within the Impact Area was designated as either a “Near” quarter section (mostly within 0.5 mile of proposed turbines) or a “Far” quarter section (mostly within between 0.5 to 1 mile of the proposed turbines). The pre-construction surveys were conducted from mid-May to mid-June of 2005, and consisted of single surveys of all wetlands within a total of 48 randomly-selected quarter sections.

A total of 581 nesting pairs of waterfowl were observed in the 24 Control quarter-sections and 575 in the 24 Impact quarter-sections, which consisted of an estimated 319 nesting pairs in the Far quarter-sections and 256 in the Near quarter-sections. Overall, the most abundant nesting species were (in descending order) the blue-winged teal, gadwall, mallard, lesser scaup, northern shoveler, and pintail. Less abundant species (also in descending order) were the redhead, ruddy duck, ring-necked duck, American wigeon, canvasback, green-winged teal, and Canada goose. Weather conditions changed during the survey period from dry to wet, and most of the wetlands were 60 to 90 percent full, with most having vegetation category 4 (open water/bare soil cover over 90 percent of their areas). Relatively higher estimated breeding populations were observed in wetlands in the 69 to 90 percent full range and wetlands with category 4 vegetation. Wetlands with category 4 vegetation had higher estimated breeding populations. Statistical analyses indicated that only wetland fullness differed significantly between Control and combined Near and Far quarter-sections; there were no significant differences between estimated breeding pairs, number of species, or cover categories in Control vs. Impact or Near vs. Far quarter-sections.

The results of the statistical analyses indicate that the Control and Near/Far impact areas studied are not significantly different in terms of estimated numbers of breeding pairs, number of species observed, or vegetation cover category. The fullness of wetlands did significantly differ between the Control and Impact (combined Near and Far) areas; Control areas were less full than Impact areas. Comparison of this data with the USFWS’ 4-square-mile survey data in this and future years when post-construction surveys are conducted may be useful in achieving a better understanding of the influence of weather (percent full) on waterfowl use of the area. It appears that the Control area is generally suitable as a control because it is similar to the Impact area, and the Near and Far Impact areas are similar enough that if the post-construction survey results show significant differences that cannot be attributed to changes in weather (percent full) or vegetation category, they could be interpreted as the results of the effects of wind turbines.

Critical Issues Analysis

Tetra Tech conducted a critical issues analysis (CIA) for the Rough Rider I project in December 2004. The purpose of the CIA was to 1) characterize biological and cultural resources within the wind resource area (project area), 2) determine whether additional biological and/or cultural resources studies are warranted, and 3) identify community issues and land development constraints which include existing land use and permit applications. A similar report was prepared for the entire Rough Rider project (Stutsman, Logan, Lamoure, McIntosh and Dickey Counties, North Dakota and McPherson County, South Dakota) in December 2007.

Plant communities within the project area are dominated by large tracts of native and historically disturbed grasslands and wetlands with lesser amounts of forested shelterbelt, cultivated cropland and hay land. The grasslands are commonly grazed or hayed on an annual basis. The NRCS administers a number of conservation-based programs for private landowners. The Conservation Reserve Program (CRP) conserves soil and water and provides wildlife habitat by removing enrolled tracts from agricultural production. These tracts cannot be hayed, tilled, seeded, or otherwise disturbed without the authorization of the NRCS. In addition, the USFWS holds wetlands and grasslands easements within the project area.

Of the seven wildlife species listed as federally threatened, endangered, or candidate species in the state of North Dakota, the whooping crane and grey wolf are known to occur in Dickey County. The bald eagle was recently de-listed by the USFWS but remains a protected species under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The piping plover and Eskimo curlew are listed as federally endangered or threatened and have reported ranges in or near the project area. However, due to the habitats present these species are unlikely to occur in the Project Area. According to the USFWS (Azure Pers. Comm., 2004), "the entire project is situated in an area which experiences significant use by migrating and nesting raptors."

The greater prairie-chicken (*Tympanuchus cupido pinnatus*) and sharp-tailed grouse (*Tympanuchus phasianellus jamesi*) are Level II species of concern in North Dakota. Concerns that prairie grouse species may avoid nesting near man-made structures, and potentially wind turbines, have heightened this issue for siting wind farms. It is estimated as much as one-third of the entire sharp-tailed grouse population resides in North Dakota, making the state part of its core range. Sharp-tailed grouse and greater prairie-chicken have a high likelihood of occurrence in the Rough Rider I project area due to the presence of preferred habitats and range overlap with the project area for these species.

Bats typically use riparian corridors and wetlands as feeding habitats due to higher nocturnal insect densities in these areas. There is a potential for bat interactions with turbines in many locations of the project due to the relatively high density of wetland habitats within the project area. The combination of cropland adjacent to water bodies and native grasslands makes the project area very suitable habitat for waterfowl and other avian species.

Turbines should be situated away from low passes between wetlands areas where waterfowl and shorebirds are likely to fly, reducing the potential for avian collisions flying between wetland habitats. Turbine and access road construction will result in impacts to wildlife species which utilized the native prairie and grassland habitats which will be lost due to construction. In addition, activities such as road construction and tree clearing can destroy or disrupt habitats and allow the introduction of unwanted plant species.

Based on the current configuration of the project, a literature review and records search at the

State Historical Society of North Dakota did not indicate the presence of archeological or historical sites within the sections with proposed development. Two cemeteries are also known to occur within the project area. Although not examined in the field, these cemeteries are expected to contain graves dating from the late 1800's to current times.

Dickey County has a very low population density (just over 5 persons per square mile) and there are few structures within the proposed project boundaries. There are few regulations governing, nor approvals required, for wind energy system development in Dickey County. Currently, Dickey County does not have zoning regulations, nor does it have building permits.

If the proposed Project is 100 MW or more and/or the transmission line is in excess of 115 kV, the developer must get approval from the North Dakota Public Service Commission. This can take over 1 year to approve (depending on multiple factors).

Whooping Crane Likelihood Assessment

Tetra Tech was contracted by FPL Energy LLC (FPLE) to conduct a landscape scale analysis to assess the potential occurrence of whooping cranes at the Rough Rider project area in North Dakota and South Dakota. The project area that was studied included a much larger area than the area currently being considered for the wind farm. The objective of this risk analysis was to evaluate the biological and landscape features of the project area to determine the potential for whooping cranes to occur. Thus, Tetra Tech developed a likelihood index (LI) based on the location of the project within the migration corridor (the route traveled to and from the breeding grounds), the locations of historical observations of whooping cranes, the presence of feeding and roosting sites, and the availability of habitat within the project area compared to the surrounding landscape. The likelihood index does not predict how many whooping cranes will occur, rather it scores the project based on a suite of variables that are related to whooping crane occurrence. We expect whooping cranes to be more likely to occur over the life of a project at projects with higher scores, thus indicating higher risk. However, the likelihood index does not translate directly to the number of cranes anticipated to occur within a project area.

The area that was studied included a much larger project area than Phase I of the "Rough Rider" project. The larger Rough Rider project area had a likelihood index score of 5.02, and portions of this area were located within the 200-mile corridor although the Dickey County portion is just outside of the corridor. On the landscape, the Rough Rider project area contained almost a similar amount of wetlands as the surrounding 10-mile buffer. Thus, the Rough Rider project area would be of similar attractiveness as the surrounding 10-mile area to cranes traveling outside of the 200-mile corridor should not be attracted to this area. However, 1 observational record occurs within the Rough Rider project area (but not within the Dickey county portion of the project) and there are 2 observations within 10 miles of the project area (only one of these are within 10 miles of the Dickey County portion of this project) suggesting that birds have the potential to be on the ground in the area. The Rough Rider project area is comprised of 69% wetland agricultural matrix, indicating that birds may be flying at low altitudes if they were to occur within the project boundary.

Risk to whooping cranes inside the migration corridor can be minimized by selecting sites that are not as attractive as the surrounding landscape and that do not contain a high proportion of wetland-agricultural matrix habitat, although any wetland of suitable size may be utilized by whooping cranes. Therefore, even if sites inside the 100-mile corridor are not acting as an attractant to the whooping cranes (i.e., the sites do not have the preferred features compared to the surrounding area), whooping cranes may still fly over or roost on the ground on or near the site. Conducting a broad scale analysis of the risks associated with potential project sites is the first step to determining potential impacts to whooping cranes and should be conducted as new projects emerge.

Determining the optimal mitigation plan for whooping cranes is challenging because the actual impacts associated with the construction and operation of a wind energy facility are not known. The two most likely possibilities are 1) direct mortality of whooping cranes due to collisions with transmission lines, turbines, or other facilities or 2) whooping cranes avoidance of the area around the facility. If avoidance occurs, the area occupied by the wind facility would constitute stop-over habitat loss. Therefore, in the former case, mitigation should be directed at increases in survival or reproduction of the cranes. In the latter case, mitigation should be directed at the creation or preservation of stopover habitat. In lieu of specific data about impacts, a range of mitigation options and additional research needed are presented below. As additional species and project area data become available, mitigation options can be refined.

Bat Likelihood Risk Assessment

Tetra Tech was contracted by FPL Energy LLC (FPLE) to conduct a landscape scale analysis to assess the potential occurrence of bats within the Rough Rider project area in North Dakota and South Dakota. The project area that was studied included a much larger than the area currently being considered for the wind farm. The objective of this risk analysis was to evaluate the biological and landscape features of the project area to determine the potential for bats to occur. Thus, we developed a likelihood index (LI) based on two types of variables – habitat-based variables and species-based variables. Habitat-based variables include the amount of suitable foraging and roosting habitat, the number of natural areas, number of perennial streams, distance from the Missouri River and number of human developments. Species-based variables included using bat species known to occur in the region and landscape characteristics. The likelihood index does not predict how many bats will occur or the anticipated bat mortality level, rather it scores the site based on a suite of variables that are related to bat occurrence and provides a relative ranking of the project area. We expect bats to be more likely to occur over the life of a project at project areas with higher scores, thus indicating higher risk.

The overall Rough Rider project area was included in the assessment. The combination of a high concentration of wetlands, scattered remnant forest, shelterbelts and natural areas throughout the project area provides suitable habitat for bats. The Rough Rider project area had a likelihood index score of 12.58. Proportionately, the project area had a high acreage of forest-aquatic matrix inside the project area and total number of natural areas within and surrounding the project area, indicating that much of the project area has potential bat habitat. In addition, Rough Rider also contained a high number of natural areas, which are also assumed to provide high quality bat habitat. From a landscape perspective, the project area contained more forest-aquatic matrix inside the project area than the surrounding area (HI = 1.13), suggesting bats in the area may be attracted to habitat in the project area.

The precise mechanisms that determine whether a high risk of bat mortality exists remain unclear. However, several guidance documents outlining bat-specific recommendations share common themes:

1) Preserving Roost Habitat/Snag Retention

Minimize, to the extent practical, direct impacts to the forested areas used by roosting bats by avoiding tree removal during construction. Snags – dead trees in the early to middle stages of decay – provide suitable habitat for tree-roosting bats and should also be retained to maximum extent possible.

2) Preserving Foraging Habitat/Drinking Resources

Loss of wetlands, water bodies and associated riparian areas threaten the essential foraging habitat of bats (Tuttle 2004). Construction activities should be sited to avoid impacts to wetlands, waters or riparian areas to the extent practical.

3) Avoid Areas of High Bat Activity

Bats will use tree stands for roosting, change them frequently and forage along the edges increasing the level of bat activity in these habitats. Placing wind turbines away from these high-use areas may minimize the potential of bat collisions. Generally, water features receive an increased level of bat activity than arid areas and as such, turbines should be placed away from water features to minimize the potential of bat collisions.

4) Acoustic Monitoring

To better understand bat species composition, activity patterns and relative use within a project area; acoustic monitoring may be conducted prior to construction. Pre-construction surveys followed by post-construction monitoring are emphasized in order to fully understand the potential affects of wind energy development to bats.

2008 Fall Avian Point Count Survey

The purpose of this task was to obtain quantitative documentation of the fall use of the project area by resident and migratory birds over a 13-week period. The order in which points were surveyed was varied so that equal numbers of points were surveyed during the morning and afternoon. Survey points were located near turbine strings and distributed throughout the project area, including wetlands and open water areas near turbine strings that could attract waterfowl, water associated birds, eagles, and cranes. The radius of each circular plot was 800 meters. A qualified biologist conducted observations for 20 minutes at each observation point; all birds observed were recorded. Species observed, number of birds (single or in a flock), flight height range, flight direction, habitat, distance from observer at closest approach, and activity were recorded to determine how species are using the project area. This sampling strategy gives an assessment of the overall use of the project area by birds, as well as details on the specific locations of birds relative to topographic features and turbine locations. Flight paths of large birds and sensitive species were mapped. The distance at closest approach to the observer was used to standardize the data for 800-meter radius plots, so the use data can be compared to that from other wind projects throughout the country. The number of birds counted is being summarized by observation point and count date. The field work for this survey was completed in November 2008, and the report is anticipated to be completed in December 2008.

2008 Native Prairie Survey

The purpose of this task was to identify the habitat types using land cover analysis and locate areas of native prairie within the project area. The large scale conversion of native prairie to other land uses such as agriculture has reduced this once dominant habitat type to a fraction of its original distribution. Indeed, North Dakota has lost approximately 75 to 90 percent of its native grasslands, primarily due to crop production. Thus, there is growing interest in the conservation and restoration of native prairies in the United States. We understand that the U.S. Fish and Wildlife Service (USFWS) has been purchasing grassland easements within Dickey County. According to the USFWS, native prairie has significant natural resource values, including: providing habitat for a number of migratory and resident grassland birds whose populations are declining; providing nesting habitat for millions of waterfowl; containing 200-300 plant species, which provide genetic diversity important to agriculture and medicine; providing habitat for thousands of insects including the Dakota skipper, a candidate species for listing under the Endangered Species Act (ESA), and other butterflies; conserving soil and water; and providing recreational opportunities (hunting, bird watching/wildlife observation, hiking).

In addition, information on enrolled tracts of Conservation Reserve Program (CRP) land administered by the U.S. Department of Agriculture (USDA) was also identified. From the maps and supplementary data from published reports, the proportion of land covers in the project area was calculated. Field surveys were used to identify areas of native prairie. The combined

mapping and field survey effort produced maps identifying the location of the native prairie identified within the project area.

Field validation of land cover types and surveys for native prairie plants were conducted in areas identified from the land cover maps. The biologist captured the species composition/diversity as well as separate native from tame grasslands, etc. This native prairie survey allowed for an assessment of the extent of grassland (both tame and native) within the project area.

At the time the native prairie surveys were being completed, and based on the spatial data dated August 4 and 13, 2008 for the turbines and project area, respectively, the original proposed project area for Rough Rider I (hereafter called project area) is 11,209 acres. Once the surveys were completed, Tetra Tech was informed that the project area was expanded. The proposed expansion to the project area (hereafter called expanded project area) extended the total area to 21,841 acres. This survey was only conducted on the original proposed project area. The project area has 8,308 acres (74.1% of the project area) of native prairie and 905 acres (8.1% of the project area) of tame grasslands (croplands that are replanted as pastures and hayfields). The largest area of native prairie is found in the southeast region of the project area.

At the time of the survey, 105 GE1e turbine locations were being considered for use within the project area. Overall, 82% (86 out of 105) of the turbine locations are located in native prairie and 5% (5 out of 105) are located in tame grasslands. The Dakota skipper, a species of butterfly which is currently classified as a federal candidate species, likely occurs within the project area. Of the 9,213 acres of land classified as native prairie or tame grassland within the project area, 49.9% is classified as being either good or excellent habitat for the Dakota skipper. There are a total of 294 acres of grassland habitat classified as excellent within the project area which is approximately 3.2% of native prairie. Habitat classified as good made up 46.7% (4,304 acres) of the native prairie and fair/poor habitat made up 50.1% (4,615 acres) of the native prairie in the project area.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

December 9, 2008

North Dakota Regulatory Office

Anne-Marie Griger, AICP
Tetra Tech, EC Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

Dear Ms. Griger:

This is in response to your letter dated December 1, 2008 requesting Department of the Army (DA), US Army Corps of Engineers (Corps) comments in identifying concerns or issues within the boundaries of a potential location for the development of a wind energy center and an associated transmission line Project. The project is located in Sections 28 and 33, Township 131 North, Range 65 West, and Sections 4-9, 16-21, 29-31, Township 130 North, Range 65 West, and Sections 1-3, 9-15, 22-29, and 32-36, Township 130 North, Range 65 West and Sections 25-27, 34-36, Township 131 North, Range 66 West, Dickey County, North Dakota.

Corps Regulatory Offices administer Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act regulates work in or affecting navigable waters. This would include work over, through, or under a Section 10 water. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in the waters of the United States.

If this project would require a Section 10 and/or Section 404 permit, please complete and submit the enclosed Corps of Engineers permit application to the U S Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure



Legal Advisory Unit

Fax (701) 328-2173
Legal (701) 328-2311
Appeals (701) 328-2311
ND Relay TTY (800) 366-6888

John Hoeven, Governor
Carol K. Olson, Executive Director

December 3, 2008

Anne-Marie Griger, AICP
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

RE: Project Area Environmental Scan
Dickey County, North Dakota

Dear Ms. Griger:

The North Dakota Department of Human Services (Department) received and reviewed your letter dated November 24, 2008. The Department is currently unaware of any impact the proposed location would have on the Department.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Alm", is written over a horizontal line.

Jonathan E. Alm
Department of Human Services
Legal Advisory Unit



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.nd.gov

December 1, 2008

Ann Marie Griger
Tetra Tech EC Inc.
7800 Shoal Creek Blvd
Suite 253 East
Austin TX 78757

Dear Ms. Griger:

I am responding on behalf of the Attorney General to your recent letter requesting assistance from this office relating to the development of property in Dickey County west of Ellendale, ND.

The Attorney General and members of his staff are prohibited by statute from giving legal advice, opinions, or assistance to private businesses. We may only serve as legal advisors to state officials, state's attorneys, and certain city officials.

Accordingly, we will not take any action in response to your letter. For assistance in identifying concerns or issues within the boundaries of the tracts of land, you will have to 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 blue ink that reads "Liz Brocker".

Liz Brocker
Executive Assistant



www.jobsnd.com

John Hoeven, Governor • Maren L. Daley, Executive Director

PO Box 5507 • Bismarck, ND 58506-5507

December 2, 2008

Ms. Anne-Marie Griger, AICP
Tetra Tech, EC Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

RE: Project Area Environmental Scan
Dickey County, North Dakota

Dear Ms. Griger:

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 November 24, 2008 that would influence a decision regarding the use of the land or applicable permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Maren Daley", written in a cursive style.

Maren Daley
Executive Director

701.328.2825 (Voice) • 800.366.6888 (TTY Users - Relay ND) • 701.328.4000 (FAX)

Job Service North Dakota is an equal opportunity employer/program provider.
Auxiliary aids and services are available upon request to individuals with disabilities.



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

December 2, 2008

**North Dakota
State Historical Board**

Ms. Anne-Marie Griger, AICP
Tetra Tech EC Inc.
7800 Shoal Creek Blvd
Suite 253 East
Austin TX 78757

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Grand Forks - President

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Bismarck - Vice President

Gereld Gerntholz
Valley City - Secretary

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Diane K. Larson
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Richard Kloubec
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Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
*Director
Parks and Recreation
Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

ND SHPO Ref.:09-0217 Project area environmental scan for wind energy center west of Ellendale and associated 230kV transmission line, approximately 16 miles in length in portions of Dickey County, North Dakota

Dear Ms. Griger,

We received your correspondence dated November 26, 2008 regarding ND SHPO Ref.:09-0217 Project Area Environmental Scan for Wind Energy Center and Associated 230kV transmission line, approximately 16 miles in length Dickey County, North Dakota. We understand that the Class I (file review) is completed for this project and that the Class III Cultural Resource Inventory is being compiled, and will be submitted for review shortly.

We look forward to review of the Class III report. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact Susan Quinnell at 701-328-3576. E-mail: squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

C: Susan Wefald, President ND PSC

*Accredited by the
American Association
of Museums*

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

December 5, 2008

Anne-Marie Griger
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd., Ste. 253 East
Austin, TX 78757

RE: Project Area Environmental Scan – Dickey County, ND

Dear Ms. Griger:

The Natural Resources Conservation Service (NRCS) has reviewed your letter regarding the referenced activity and acknowledges your request to determine whether your project affects farmland as defined in Sec. 658.2(a) of the Code of Federal Regulations (CFR) dealing with the Farmland Protection Policy Act (FPPA).

Important Farmlands - NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. It is not clear from your letter whether Federal funding will be used for this project. If the project is supported by Federal funding or actions, FPPA will apply and Form AD-1006 must be completed. A negative response is not required.

Wetlands – The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose of, or to have the effect of, making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines to help avoid impacts to wetlands and possible loss of USDA benefits for producers. If these guidelines are followed, the impacts to the wetland(s) will be considered minimal allowing USDA participants to continue to receive USDA benefits.

Following are the requirements: 1) Disturbance to the wetland(s) must be temporary, 2) no drainage of the wetland(s) is allowed (temporary or permanent), 3) mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained, 4) temporary side cast material must be placed in such a manner not to be dispersed in the wetland, and 5) all trenches must be backfilled to the original wetland bottom elevation.

NRCS would recommend that impacts to wetlands be avoided. If the project requires passage through or disturbance of a wetland, NRCS can complete a certified wetland determination, if requested by the landowner/operator.

Helping People Help the Land

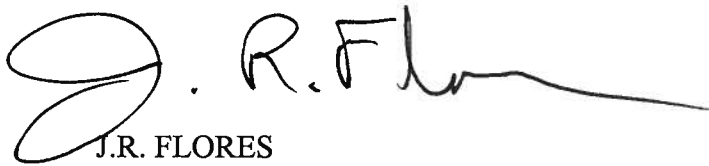
An Equal Opportunity Provider and Employer



Ms. Griger
Page 2

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Flores". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J.R. FLORES
State Conservationist

Enclosure

cc: w/o encl.
Craig Middleton, DC, NRCS, Ellendale, ND
Mike Collins, ASTC (FO), NRCS, Jamestown, ND



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

Anne-Marie B. Griger, AICP
Environmental Planner
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

December 18, 2008

Dear Ms. Griger,

**Re: Project Area Environmental Scan
Dickey County, North Dakota**

In response to your letter of November 24, 2008 concerning the project area environmental scan of a potential wind farm location in Dickey County, North Dakota, I am writing to apprise you of geologic information available through the North Dakota Geological Survey that may be of interest to you. I also wish to advise you that no permits will be required by the North Dakota Geological Survey for this project.

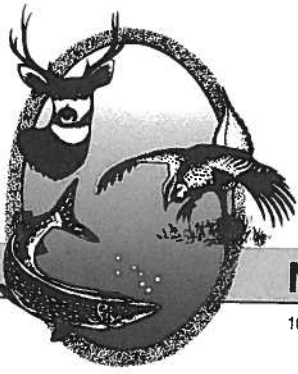
The surface geology of Dickey County has been mapped in its entirety on an approximately 1:125,000 scale as part of the ND State Water Commission's County Ground Water Studies program (Bluemle, John P., 1979, Glacial Geology of Dickey and LaMoure Counties, North Dakota: North Dakota Geological Survey Bulletin 70, 72 p.). Hydrologic data for Dickey County, including lithologic logs of test holes and wells are also available in parts II and III of Bulletin 70 in the same series. All this information is available in paper format from the NDGS offices in Bismarck, and online at <http://www.swc.state.nd.us/4dlink9/4dcqi/GetContentRecord/PB-256>.

Surface materials within the entire project area consist of up three hundred feet of Pleistocene glacial sediments overlying marine shale of the Cretaceous-age Pierre Formation. The area is characterized by a hilly landscape of collapsed glacial sediment (till, glaciofluvial and glaciolacustrine) interspersed with numerous sloughs and lakes. The geologic map for Dickey County (Bluemle, 1979) also indicates a large ice-thrust block roughly centered at the junction of state highways 11 and 56. Although unlikely, sediments associated with some of these features may be prone to mass movements such as slumping, earthflows and creep.

If you are interested in any of this information or have questions please let me know. I can be reached at the Survey offices on 701 328 8000 or by e-mail at lmanz@nd.gov.

Sincerely,

Lorraine A. Manz, Ph.D.
Geologist



"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

December 22, 2008

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

Dear Ms. Griger:

RE: Project Area Environmental Scan - 175 MW Wind Energy Center
Dickey County, North Dakota

North Dakota's Wildlife Action Plan identifies 100 Species of Conservation Priority in the state. While many of these species can be found within the proposed project area, the plan is habitat based rather than species based. The key to ensuring the long term survival of these species is to maintain diverse grasslands, wetlands, woodlands, rivers and streams. This cannot be reduced to certain isolated areas, but must occur over a broad landscape.

Our primary concern with wind power 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.

The National Wetland Inventory indicates a variety of wetlands within the project area. We recommend that any unavoidable wetland impacts be replaced in kind, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns. We also ask that every effort be made to prevent destruction of woody vegetation.

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', with a long, sweeping underline.

Michael G. McKenna
Chief
Conservation & Communication Division

js



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

December 15, 2008

Anne-Marie Griger, AICP
Tetra Tech
7800 Shoal Creek Blvd. –Suite 253 E.
Austin, TX 78757

LOCATION TO DEVELOP AN APPROXIMATE 175-MEGAWTT WIND ENERGY
CENTER AND ASSOCIATED 230-kV TRANSMISSION LINE, DICKEY COUNTY,
JAMESTOWN, NORTH DAKOTA

We have reviewed your November 24, 2008, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any 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.

RONALD J. HENKE, P.E - DIRECTOR, OFFICE OF PROJECT DEVELOPMENT

57:rjh:js

c: John Thompson, Valley City District Engineer



December 15, 2008

Anne-Marie Griger, AICP
Environmental Planner
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd., Ste 253 East
Austin, TX 78757

Re: Proposed Wind Energy Center & Transmission Line
West of Ellendale, Dickey County

Dear Ms. Griger:

This department has reviewed the information concerning the above-referenced project submitted under date of November 24, 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 or counties 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.

Projects that have a discharge point located within 2000 feet of, and flow to, a water body listed as impaired due to sediment, or parameters associated with sediment transport under section 303(d) of the Federal CWA (see the Department's 303(d) list), should use caution to prevent sediment from impacting the water body. Also, a copy of the Storm Water Pollution Prevention Plan must be submitted to the Department when applying for permit coverage.

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.



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

December 18, 2008

Anne-Marie Griger
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

Re: Wind Energy Center Project
Near the City of Ellendale, North Dakota

Dear Ms. Griger:

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced project proposal to develop a wind energy center and associated transmission line located in Sections 4-9, 16-21, and 29-31, T130N, R65W; Sections 1-3, 9-15, 22-29, and 32-36, T13N, R66W; Sections 28-33, T131N, R65W; and Sections 25-27 and 34-36, T131N, R66W; Dickey County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species 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, we have records indicating that habitat may exist for *Melospiza georgiana* (swamp sparrow) and Permanent open water in sections adjacent to the project area. Please see attached spreadsheet and map for more specific information. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

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.

Given the potential for not only habitat disturbance and disruption but threat to nesting, feeding and migratory bird and bats in the area we suggest that all efforts be made to avoid impacts to wildlife species and their habitats. In an effort to avoid or minimize impacts to wildlife and their habitats we encourage proper evaluation of all potential wind energy sites. To identify and assess adverse impacts to wildlife we suggest pre and post construction avian and bat monitoring studies be conducted.

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.

.....
Play in our backyard!

December 18, 2008

Page 2

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.

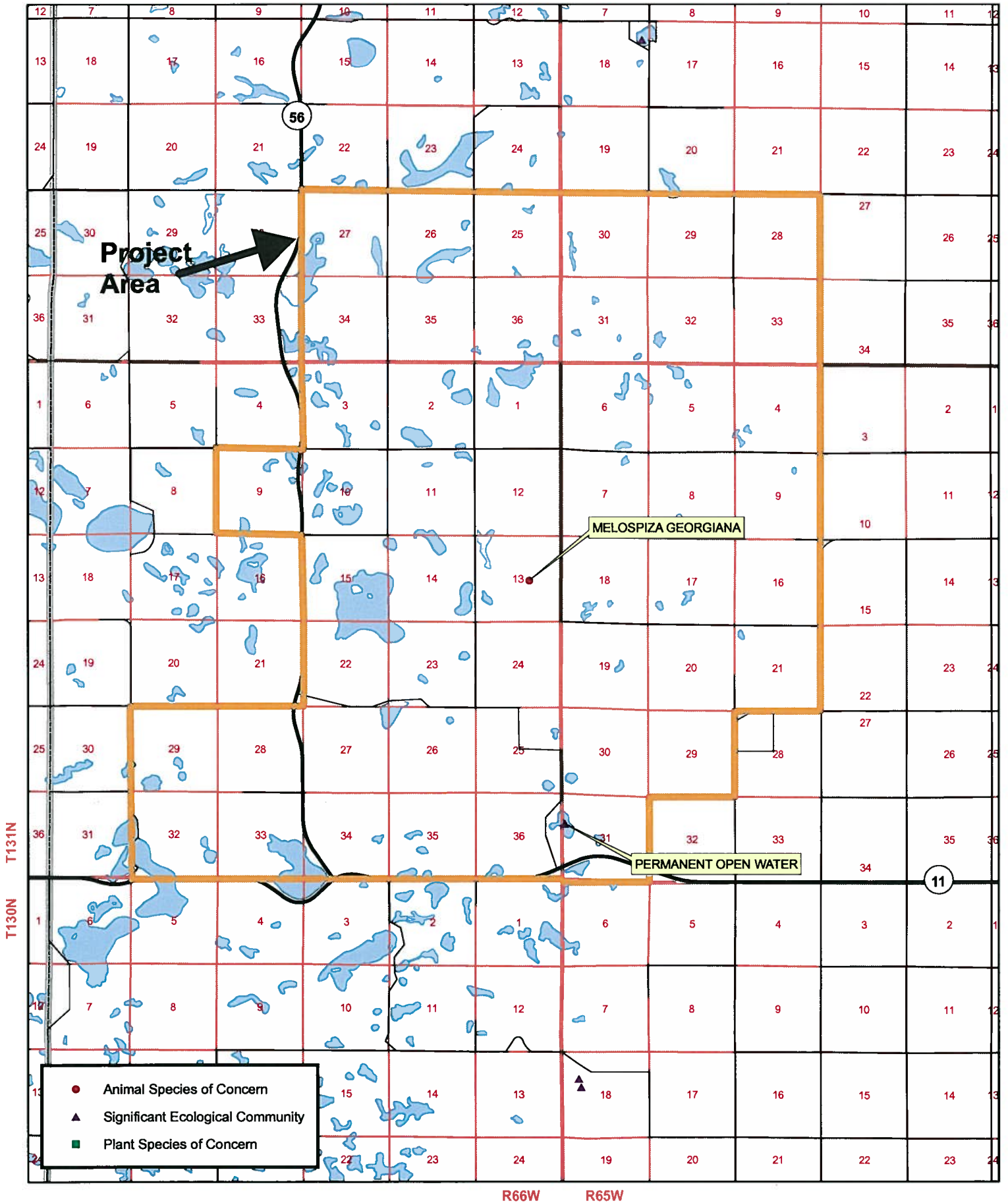
Sincerely,

A handwritten signature in black ink, appearing to read "for Kathy Duttonhefner". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*2117

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
PERMANENT OPEN WATER		130N065W	31	130-66-36	S2			1977
MELOSPIZA GEORGIANA	SWAMP SPARROW	130N066W	13		S3	G5		

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.



**STATE
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A. Ruric Todd III
Jamestown

Diane K. Larson
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Marvin L. Kaiser
Williston

Richard Kloubec
Fargo

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director
Parks and Recreation
Department

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Association
of Museums

February 3, 2009

Christina Burns
Beaver Creek Archaeology
111 South Broadway
Po Box 489
Linton, ND 58552

**NDSHPO REF. : 09-0217 Roughrider I Wind Farm (Dickey County),
Class III CRI Report**

Dear Ms. Burns:

We have received and reviewed correspondence and reporting for: **09-0217** Roughrider I Wind Farm (Dickey County), "Roughrider I Wind Farm Project: A Class III Cultural Resource Inventory, Dickey County, North Dakota," by Christina Burns (Beaver Creek Archaeology, January 2009) and find it acceptable. We concur with the level and scope of identification efforts undertaken in the project APE, as reported.

If consulted either by a federal agency or a state agency, we would concur with recommended "**No Historic Properties Affected**" and "**No Significant Sites Affected**" determinations provided the avoidance of sites and the monitoring at 32DI118 are accomplished as stipulated (p. 46) and that the project is of the nature stated and it takes place in locations plotted in the report and documentation. Also, if consulted by a federal agency we would concur with the NRHP eligibility determinations for the sites as enumerated on p. 46 enclosed. Thank you for the opportunity to review the project. If you have questions please contact either Paul Picha at (701) 328-3574 or Susan Quinnell at (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

c: Patrick Fahn, ND PSC, with enc.

Conclusion and Recommendation

In November 2008, BCA conducted a Class III Cultural Resource Inventory of the proposed Roughrider I Wind Farm project. During the course of the inventory, Three previously recorded sites (32DI43, 32DI85, 32DI86) and nine previously recorded site leads (32DIx28, 32DIx108, 32DIx109, 32DIx110, 32DIx111, 32DIx112, 32DIx116, 32DIx118, 32DIx119) were identified within one mile of the APE. None of these sites or site leads will be impacted by the project.

Twelve new cultural resource sites were identified within the APE: One stone circle site with a rock cairn (32DI121), six rock cairn sites (32DI116, 32DI117, 32DI118, 32DI119, 32DI120, and 32DI122), two historic archaeological sites (32DI123, 32DI124), one Standing Structure Site (32DI125), one historic cemetery (32DI114), and one historic grave (32DI115).

Although none of the newly recorded sites have been formally evaluated for the NRHP, BCA recommends that eight sites, 32DI114, 32DI115, 32DI116, 32DI117, 32DI119, 32DI120, 32DI121, and 32DI122, are potentially eligible for listing in the NRHP, and recommends that these sites should therefore be avoided. Because of the apparent modern disturbance to site 32DI118, BCA recommends that avoidance and monitoring take place during construction.

At the request of Roughrider I Wind, BCA pin-flagged a 30 meter buffer zone around sites 32DI116, 32DI117, 32DI118, 32DI119, 32DI120, 32DI121, and 32DI122 to avoid accidental disturbance during construction. If project plans do not allow for avoidance of the potential NRHP-eligible sites, a Phase II site evaluation is recommended by BCA to determine NRHP eligibility. Site 32DI114 was not flagged as a fence is surrounding the site, and signs show its location. Site 32DI115 is located outside of the APE, and was therefore not flagged. The site is, however, fenced in.

Newly recorded sites 32DI123, 32DI124, and 32DI125 are recommended not eligible to the NRHP by BCA, and will therefore not need to be avoided during construction.

There are no eligible architectural properties within one mile of the wind turbines, and as long as the eight potentially eligible sites are avoided, monitoring is conducted at 32DI118, and all construction takes place within the inventoried corridors, a designation of *No Historic Properties Affected* is recommended for this project.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



FEB - 4 2009

Ms. Anne-Marie Griger, AICP
Tetra Tech EC, Inc.
7800 Shoal Creek Boulevard, Suite 253 East
Austin, Texas 78757

Dear Ms. Griger:

This is in response to your December 2, 2008, request for environmental information in relation to an investigation into a potential wind energy development project in Dickey County, North Dakota. The location for the proposed project is approximately 7 miles northwest of Forbes in Dickey County. The proposed project will be for development of an approximately 175-megawatt (MW) wind energy center and an associated 16 mile long 230-kilovolt (kV) transmission line. No information was provided as to the specific location, number, or size of wind turbines that may be constructed. Therefore, our comments are general in nature. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the National Environmental Policy Act (NEPA).

The U.S. Fish and Wildlife Service (Service) holds certain resources in trust and manages them for the benefit of the American people. These resources include migratory birds, inter-jurisdictional fish, federally-listed threatened and endangered species of plants and animals and their habitats, and units of the National Wildlife Refuge system. One goal of Service policy is that conservation of fish and wildlife resources receive equal consideration with other features of resource development, and that conservation actions are coordinated with those other forms of development. Another goal is to conserve, protect, and enhance fish and wildlife and their habitats, and to facilitate the balanced development of the Nation's natural resources. When planning an activity, project proponents should give careful consideration to potential impacts to these trust resources and compliance with the laws mentioned above. Additional information is provided below.

Migratory Birds

Adequate consideration for avian and other wildlife resources early in the site evaluation process can help to minimize impacts and facilitate project review. Although current wind turbine

technology and proper siting can help to minimize the incidence of avian and bat deaths due to blade, aerial line, and tower strikes, the potential for direct mortality of some migratory birds will remain. Wind power developers, in concert with the Service, can help to ensure that projects proceed with as little impact to migratory birds as possible. This can be accomplished by gathering information on avian resources as they relate to project siting, and by implementing measures to minimize impacts to migratory birds from the construction and operation of the wind facility. The Service's Interim Wind Turbine Siting Guidelines are enclosed to assist in project planning (enclosure 1). We encourage the project proponents to conduct a Potential Impact Index (PII) analysis on several potential sites within wind resource areas to assist in the selection of a wind power site that minimizes the potential to impact migratory birds. Please inform this office whether or not you plan to use the Service's interim guidelines in selecting your site and if not, whether you intend to use a different method to assess avian and other wildlife resources.

The Service has coordinated with the Avian Power Line Interaction Committee (APLIC) to develop guidelines to assist companies in formulating Avian Protection Plans (APP). These plans are utility-specific and designed to reduce operational risks that result from avian interactions with electric utility facilities, but we suggest they may be adapted to wind energy facilities as well. We encourage the project developer of the proposed wind energy facility to investigate the formulation of an APP. The guidelines can be accessed from APLIC's website at <http://www.aplic.org/>.

To minimize the electrocution hazard to birds, the Service, with support from the Rural Utilities Service, recommends that new or updated overhead power lines be constructed in accordance with the current guidelines for preventing raptor electrocutions. The recommended guidelines can be found in "2006 Suggested Practices for Avian Protection on Power Lines". To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends all new power lines that cross or run adjacent to rivers or large wetlands be modified according to "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994". Both publications can be obtained by writing or calling the Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266, (1-800-334-5453) or visiting their website at www.eei.org.

The Migratory Bird Treaty Act (Act) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing unauthorized take, the Service realizes that some birds may be killed by wind power towers or power lines even if all reasonable measures to protect them are used. The Service's Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. It is not possible to absolve individuals, companies, or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting

individuals and companies that take migratory birds without regard for their actions or without following recommendations such as this to avoid take. The Service cooperates with developers to minimize impacts to migratory birds and to Bald and Golden eagles. Parties who wish to receive assurances that discretion will be exercised in not enforcing against them can work to implement all practicable measures to avoid and minimize impacts to migratory birds, their eggs, and active nests.

To avoid impacts to migratory birds or other wildlife during the breeding season (February 1 to July 15), schedule construction for late summer or fall/early winter. If work is proposed to take place during the breeding season or at any other time which may result in the take of migratory birds or active nests, the Service recommends that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If nesting migratory birds are found, we request you contact this office, suspend construction, or take other measures, such as maintaining adequate buffers, to protect the birds until the young have fledged. The Service further recommends that field surveys for nesting birds, along with information regarding the qualification of the biologist(s) performing the surveys, and any avoidance measures implemented at the project site be thoroughly documented, and that such documentation be shared with the Service and maintained on file by the project proponent at least until such time as construction on the proposed project has been completed.

Threatened and Endangered Species

A list of Federally threatened and endangered species that may occur within the proposed project's area of influence is enclosed (enclosure 2). This list fulfills requirements of the Fish and Wildlife Service under 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 consult 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.

Section 10(a)(1)(B) of the ESA allows non-Federal parties planning activities that have no Federal nexus, but which could result in the incidental taking of listed animals, to apply for an incidental take permit. (A Federal nexus exists whenever an activity is conducted, funded, or licensed or permitted by a Federal agency). The application must include a habitat conservation plan (HCP) laying out the proposed actions, determining the effects of those actions on affected federally-listed fish and wildlife species and their habitats (often including proposed or candidate species), and defining measures to minimize and mitigate adverse effects.

The Aransas Wood Buffalo Population (AWBP) of whooping cranes is the only self-sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations.

Endangered whooping cranes have been documented using stopover habitat in the vicinity of this proposed wind resource area. The proposed wind project area is located outside of that portion of the whooping crane migration corridor that includes 95% of all confirmed whooping crane sightings in North Dakota (enclosure 3). The presence of suitable roosting and feeding habitat for whooping cranes document the potential for whooping crane presence in the proposed project area. A wind energy project in this wind resource area has the potential to affect whooping cranes during their annual spring and fall migration through North Dakota. Potential effects may be direct (e.g. collision mortality) or indirect (e.g. avoidance of the site resulting in cranes seeking alternate habitat). The interactions of whooping cranes with wind turbines and wind farms are currently not fully known, although it is expected that these large birds with relatively low maneuverability are susceptible to mortality via collisions with turbines. Currently, collisions with power lines are the greatest known source of mortality for fledged whooping cranes and have accounted for the death or serious injury of at least 46 whooping cranes since 1956.

For construction of new overhead power lines located within the outer portion of the whooping crane migration corridor (75 - 95 percent of confirmed sightings) where your investigation area is located, the Service recommends that the new line be buried to avoid whooping crane and other bird collision mortality. If the new power line cannot be buried, we recommend that all new line located within one mile of wetland stopover habitat and an equal distance of existing power line within one mile of wetland stopover habitat be marked with state-of-the-art visual line marking devices to minimize the potential for whooping crane collision mortality.

The Service does not believe that a determination of “no effect” is appropriate for this wind resource area because of, but not limited to, the potential for migrating whooping cranes to use migration stopover habitat in this area.

Fish and Wildlife Service Property Interests

The Service administers Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota. A review of Service realty records indicates Service property interests are located in the planning area. Mr. Mick Erickson, Project Leader, Kulm Wetland Management District, 1 First Street SW, P.O. Box E, Kulm, North Dakota 58456, (701-647-2866), has been contacted by Westwood Professional Services to obtain specific information relative to Service easements and up to date realty records for the proposed project area.

Following are some suggestions and explanations of the various land interests the Service is responsible for in the proposed project area. Wetland easements are legal agreements with private landowners that permanently protect wetland basins from being drained, burned, leveled, or filled. Grassland easements are legal agreements with landowners that permanently protect grassland vegetation, primarily native prairie, from being destroyed or developed. These easements prevent these grasslands from being converted to cropland. Mowing, haying, and grass seed harvesting must be delayed until after July 15 each year.

The primary responsibility in protecting these easements is to review all proposed uses to ensure that the requests are compatible with Service easement regulations and various laws and policies. Therefore, these comments and suggestions are made in an attempt to accomplish three goals: 1) avoid impacts to Service grassland and wetland easements in the project area as much as possible; 2) if unavoidable, ensure that any proposed turbine and associated infrastructure impacts (roads, buried collection lines, transmission lines, sub-stations, etc.) on any Service easement areas are kept to an absolute minimum; and 3) investigate all potential alternatives to eliminate or reduce impacts to easement areas to protect the integrity of the easement. With these goals in mind, the Service offers the following comments:

- **Grassland Easements:** The Service manages a number of grassland easements in the proposed project area. Without a map showing the proposed turbine and road locations, it is not possible at this time to identify specific concerns with turbines and roads. Building turbines on grassland easements will require a discussion about a variety of administrative procedures that will need to be completed to comply with various laws, policies, and regulations (NEPA documentation, compatibility determinations, restoration plans, decommissioning plans, replacement of impacted areas, a possible reimbursable agreement in support of Service expenditures for review, etc.). Refuge personnel will be available to meet in person to cover all these easement considerations in more detail once a more complete draft plan of the project layout is available. However, as with all other resource considerations, we urge you to discuss your plans with us prior to final site selection.
- **Wetland Easements:** The Service manages a number of wetland easements in the proposed project area. Without a map showing the proposed turbine and road locations, it is not possible at this time to identify specific concerns with turbines and roads. The National Wetlands Inventory (NWI) identifies many of the area's wetlands; however, many of the small, shallow, temporary wetland basins may not be recognized on NWI photography. You should make all reasonable efforts to avoid facility placement and disturbance to wetland easements. If your plans indicate a proposal to locate project facilities on Service wetland easements, the Service will review aerial photography along with field inspections to review construction stakes to make sure all wetland basins are avoided. In addition, it is important to make sure that access roads do not alter individual wetland basins and their individual watersheds.

- NEPA Review: As mentioned, if Service lands are proposed to be impacted, the Service will be required to conduct an analysis of impacts and examine alternatives, pursuant to NEPA.

High Value Habitat Avoidance

The proposed project area is located in the Missouri Coteau region of North Dakota and includes areas of native mixed-grass prairie. Since the 1800s, North Dakota has lost approximately 75 percent of its native grasslands, primarily due to crop production. The Service recommends avoiding construction or disturbance on native prairie areas.

Native prairie has significant natural resource values including:

- Provides habitat for a number of migratory and resident grassland birds whose populations are declining.
- Provides nesting habitat for millions of waterfowl.
- Contains 200-300 plant species, which provide genetic diversity important to agriculture and medicine.
- Provides habitat for thousands of insects, including the Dakota skipper, a candidate species for listing under the ESA, and other butterflies (Ex: Regal fritillary, Tawny crescent).
- Crucial for soil and water conservation.
- Provides recreational opportunities (hunting, bird watching/wildlife observation, hiking).
- Living laboratories for scientific research.

Our review of NWI maps indicate that wetland areas are located within the project area. NWI data can be accessed directly by visiting their website at (wetlands.fws.gov). Section 404 of the Clean Water Act regulates placement of fill materials in certain wetlands. A Corps of Engineers' 404 permit may be required if fill material will be placed in aquatic sites, including wetlands. Contact Mr. Dan Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine their permit requirements. If a 404 permit is required, the Service will provide recommendations on this project to the Corps.

Other high value wildlife habitat types in North Dakota include wooded draws and riparian forests. We recommend that you avoid construction of wind towers and appurtenant facilities in the above habitat types whenever possible.

Construction activities should be conducted in a manner that will minimize impacts to the wildlife and the existing habitat in the project area. To help avoid impacts, we recommend that you:

- Avoid construction in native prairie, if possible, and reseed disturbed native prairie with a comparable native grass/forb seed mixture. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.

- Minimize grassland disturbance by using fewer, larger turbines and limiting new road construction.
- Use underground transmission lines between turbines, as well as to the primary substation. If construction of overhead transmission lines are unavoidable, install and maintain appropriate visual line marking devices to reduce the potential for avian collision mortality.
- Design meteorological towers to be self standing (no guywires). If towers must be guyed, install and maintain appropriate visual line marking devices to reduce the potential for avian collision mortality
- Locate appurtenant facilities to avoid placement of fill in wetlands along the route.
- Install and maintain appropriate erosion control measures to reduce sedimentation and water quality degradation of wetlands and streams near the project area.
- Replace unavoidable wetland losses with functionally equivalent wetlands.

Wind developers, including power transmission companies, are encouraged to avoid impacts to prairie and other native habitats to the maximum extent practicable. Avoidance of impacts can be most effectively achieved by taking a landscape-scale view, beginning with the process of prospecting for suitable sites for wind power development. Companies should assess not only those factors that indicate favorable conditions for development, such as a consistent wind resource, access to transmission, willing landowners, available financing, etc., but also anticipated impacts to wildlife and their habitats. Equal consideration should be accorded to wildlife resource conservation as to other features of development. When considering a project in a particular wind resource area, companies should use all available tools to ensure they have taken all practicable steps to avoid impacts to native habitats. This can be accomplished by utilizing GIS products depicting significant areas of contiguous prairie to site development in areas that are already impacted or fragmented. This analysis and potential site comparison should be accomplished prior to making any significant financial commitments, including entering into lease agreements with landowners.

Research, Monitoring, and Assessment

We encourage project proponents to conduct collision monitoring studies designed to determine the effect of several factors, such as site selection, turbine designs, the layout of wind plants, wind plant operations, habitat alteration, and changes in available perching and nesting sites, on bird deaths. Annual reports outlining the results of these monitoring studies should be submitted to this office. The Avian Subcommittee of the National Wind Coordinating Committee (NWCC) has developed a guidance document to assist wind energy developers in designing studies that will produce credible and comparable results of avian interaction with wind power plants. The NWCC document, "Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and methods for determining or monitoring potential impacts on birds at existing and proposed wind energy sites," can be obtained by contacting the National Wind Coordination Committee, c/o RESOLVE, 1255 23rd Street, Suite 275, Washington, D.C. 20037, or by visiting their website at (www.nationalwind.org).

Given the Service requirements and recommendations above, as well as possible unforeseen issues that may arise, we encourage you to build sufficient planning time for coordination with the Service into your project timeline. Thank you for the opportunity to comment. If you require further information as project planning proceeds, please contact Terry Ellsworth of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures (3)

cc: Project Leader, Kulm WMD
(Attn: M. Erickson)
Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)
ND Public Service Commission, Bismarck
Director, ND Game & Fish Department, Bismarck
(Attn: M. McKenna)

FEDERAL ENDANGERED SPECIES
FOUND IN DICKEY COUNTY
NORTH DAKOTA
February 2008

ENDANGERED SPECIES

Birds

Whooping crane (Grus Americana): Migrates through North Dakota counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Current flock size of the Aransas - Wood Buffalo migratory population is estimated to be 266 birds.

Mammals

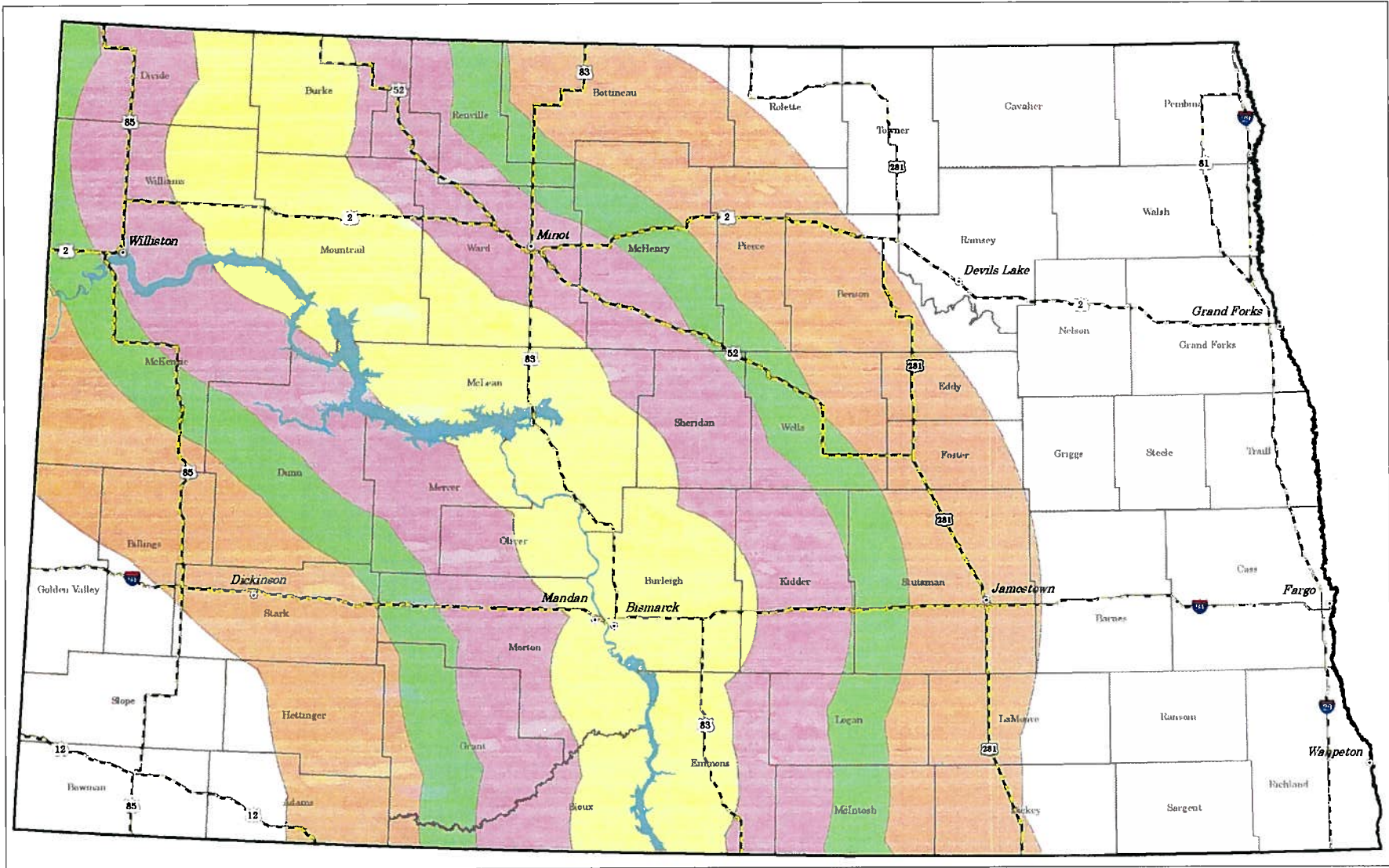
Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.



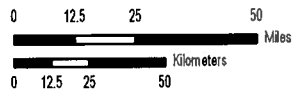
U.S. Fish & Wildlife Service

Selected Percentages Of Whooping Crane Sightings

North Dakota



PRODUCED BY ECOLOGICAL SERVICES
 BISMARCK, NORTH DAKOTA
 MAP DATE: 03/18/08
 SIGHTINGS THROUGH SPRING 2007
 FILE: TOWERS_NOLOCATIONS.MXD



Map Features

Major Roads	Percent Whooping Crane Sightings
County Boundaries	Approx. 50% (40 mile corridor)
Missouri/Yellowstone River System	Approx. 75% (90 mile corridor)
	Approx. 85% (130 mile corridor)
	Approx. 95% (180 mile corridor)

