

**Summary Table of Agency Correspondence  
for the Ashley Wind Energy Project**

Consultation Letter Sent 1/8/2010 to:	Agency Response Received On:	Medium Of Response:
Mr. Steve Obenauer Airports District Office Manager Federal Aviation Administration Bismarck Airports District Office, BIS-ADO-600 2301 University Drive, Bldg. 23B Bismarck, ND 58504	2/1/2010, 2/8/2010	Phone call; Letter (dated Feb 2, 2010)
Mr. Daniel Cimarosti Regulatory Program Manager U.S. Army Corps of Engineers Omaha District, North Dakota Regulatory Office 1513 South 12th Street Bismarck, ND 58504	Not Yet Received	
Mr. Russell Bubach Administrative Officer U.S. Department of Agriculture North Dakota State Farm Service Agency Office 1025 28th Street South Fargo, ND 58103-2372	Not documented	Letter (dated Jan 25, 2010)
Ms. Mary Baumann District Conservationist U.S. Department of Agriculture, Natural Resources Conservation Service Ashley Field Office 118 E. Main, PO Box 389 Ashley, ND 58413-0389	Not Yet Received	
Mr. Mike Shanahan Chief of Staff U.S. Environmental Protection Agency – Region 8 1595 Wynkoop Street Denver, CO 80202-1129	1/14/2010, 2/10/2010	Phone Call (Voice message); Letter (dated Feb 5, 2010)
Mr. Jeffrey Towner Field Supervisor U.S. Fish and Wildlife Service North Dakota Field Office 3425 Miriam Avenue Bismarck, ND 58501-7926	Not Yet Received	
Attorney General Wayne Stenehjem State of North Dakota, Office of Attorney General State Capitol 600 E. Boulevard Ave. Dept. 125 Bismarck, ND 58505	12-Jan-20	Phone Call from Liz Brocker, Executive Assistant; Letter (dated Jan 25, 2010)
Governor John Hoeven Office of Governor John Hoeven State of North Dakota 600 E. Boulevard Ave. Bismarck, ND 58505-0001	Not Yet Received	
Ms. Maren Daley, J.D. Executive Director Job Service North Dakota PO Box 5507 Bismarck, ND 58506-5507	19-Jan-10	Letter (dated Jan 13, 2010)
Mr. Mark Holzer Aviation Planner North Dakota Aeronautics Commission PO Box 5020 Bismarck, ND 58502	Not Yet Received	
Mr. Doug Goehring Agriculture Commissioner North Dakota Department of Agriculture 600 E. Boulevard Ave., Dept. 602 Bismarck, ND 58505	Not Yet Received	

**Summary Table of Agency Correspondence  
for the Ashley Wind Energy Project**

Consultation Letter Sent 1/8/2010 to:	Agency Response Received On:	Medium Of Response:
Mr. Wayne Kutzer Director and Executive Officer North Dakota Department of Career and Technical Education State Capitol 15th Floor 600 E. Boulevard Ave., Dept. 270 Bismarck, ND 58505-0610	Not Yet Received	
Mr. Paul Govig Director North Dakota Department of Commerce Division of Community Services 1600 E. Century Ave., Suite 2 PO Box 2057 Bismarck, ND 58502-2057	Not Yet Received	
Mr. Paul Lucy Director North Dakota Department of Commerce Economic Development & Finance Division PO Box 2057 Bismarck, ND 58502-2057	Not Yet Received	
Dr. Terry Dwelle, M.D., M.P.H.T.M. State Health Officer North Dakota Department of Health 600 E. Boulevard Ave. Bismarck, ND 58505-0200	Undocumented	Letter (dated Jan 26, 2010)
Ms. Carol Olson Executive Director North Dakota Department of Human Services 600 E. Boulevard Ave., Dept. 325 Bismarck, ND 58505-0250	Not Yet Received	
Ms. Lisa Fair McEvers Commissioner of Labor North Dakota Department of Labor 600 E. Boulevard Ave., Dept. 406 Bismarck, ND 58505-0340	19-Jan-10	Letter (dated Jan 13, 2010)
Ms. Sheri Lares Environmental and Transportation Services Division North Dakota Department of Transportation 608 E. Boulevard Ave. Bismarck, ND 58505-0700	25-Jan-10	Letter (dated Jan 21, 2010)
Mr. John Schumacher Conservation Biologist North Dakota Game and Fish Department 100 N. Bismarck Expressway Bismarck, ND 58501-5095	Not Yet Received	
Mr. Edward Murphy State Geologist North Dakota Geological Survey 600 E. Boulevard Ave. Bismarck, ND 58505-0840	19-Jan-10	Letter (dated Jan 12, 2010)
Mr. Scott Davis Executive Director North Dakota Indian Affairs Commission State Capitol Building 600 E. Boulevard Ave. 1st Floor, Judicial Wing - Room #117 Bismarck, ND 58505	Not Yet Received	
Ms. Pam Sharp Director North Dakota Office of Management and Budget 600 E. Boulevard Ave., Dept. 110 Bismarck, ND 58505-0400	Not Yet Received	

## Summary Table of Agency Correspondence for the Ashley Wind Energy Project

Consultation Letter Sent 1/8/2010 to:	Agency Response Received On:	Medium Of Response:
Mr. Douglass Prchal Director North Dakota Parks and Recreation Department 1600 E. Century Ave, Suite 3 Bismarck, ND 58503-0649	1-Feb-10	Letter (dated Jan 29, 2010)
Mr. Gary D. Preszler Commissioner North Dakota State Land Department PO Box 5523 Bismarck, ND 58506-5523	Not Yet Received	
Mr. Jeff Engleson Director North Dakota State Land Department Energy Development Impact Office PO Box 5523 Bismarck, ND 58506-5523	Not Yet Received	
Mr. Scott Hochhalter Soil Conservation Specialist NDSU Extension Service North Dakota State Soil Conservation Committee 2718 Gateway Avenue, Unit #104 Bismarck, ND 58503	Not Yet Received	
Mr. Dale Frink State Engineer North Dakota State Water Commission 900 E. Boulevard Ave., Dept. 770 Bismarck, ND 58505-0850	22-Feb-10	Letter (dated Feb 17, 2010)
Mr. Paul Picha Chief Archaeologist State Historical Society of North Dakota 612 E. Boulevard Ave. Bismarck, ND 58505	19-Jan-10	Letter (dated Jan 13, 2010)
Mr. Neil Meidinger McIntosh County Commissioner 2720 89th Street SE Zeeland, ND 58581-9779	Not Yet Received	
Mr. Ron Meidinger McIntosh County Commissioner 615 Center Avenue N Ashley, ND 58413-7011	22-Jan-10	Phone call
Mr. James Raile McIntosh County Commissioner 907 7th Avenue S Wishek, ND 58495-7531	18-Feb-10	Letter (dated Feb 3, 2010)
Mr. Donavon Bender Chair McIntosh County Soil Conservation District 118 East Main Street, Box 389 Ashley, ND 58413	Not Yet Received	
Mayor Donald Kosel City of Ashley 113 1st Street NW Ashley, ND 58413	12-Jan-10	Phone Call from Mayor Donald Kosel



TETRA TECH EC, INC.

January 8, 2010

Mr. Steve Obenauer  
Airports District Office Manager  
Federal Aviation Administration  
Bismarck Airports District Office, BIS-ADO-600  
2301 University Drive, Bldg. 23B  
Bismarck, ND 58504

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Obenauer:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the Federal Aviation Administration to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

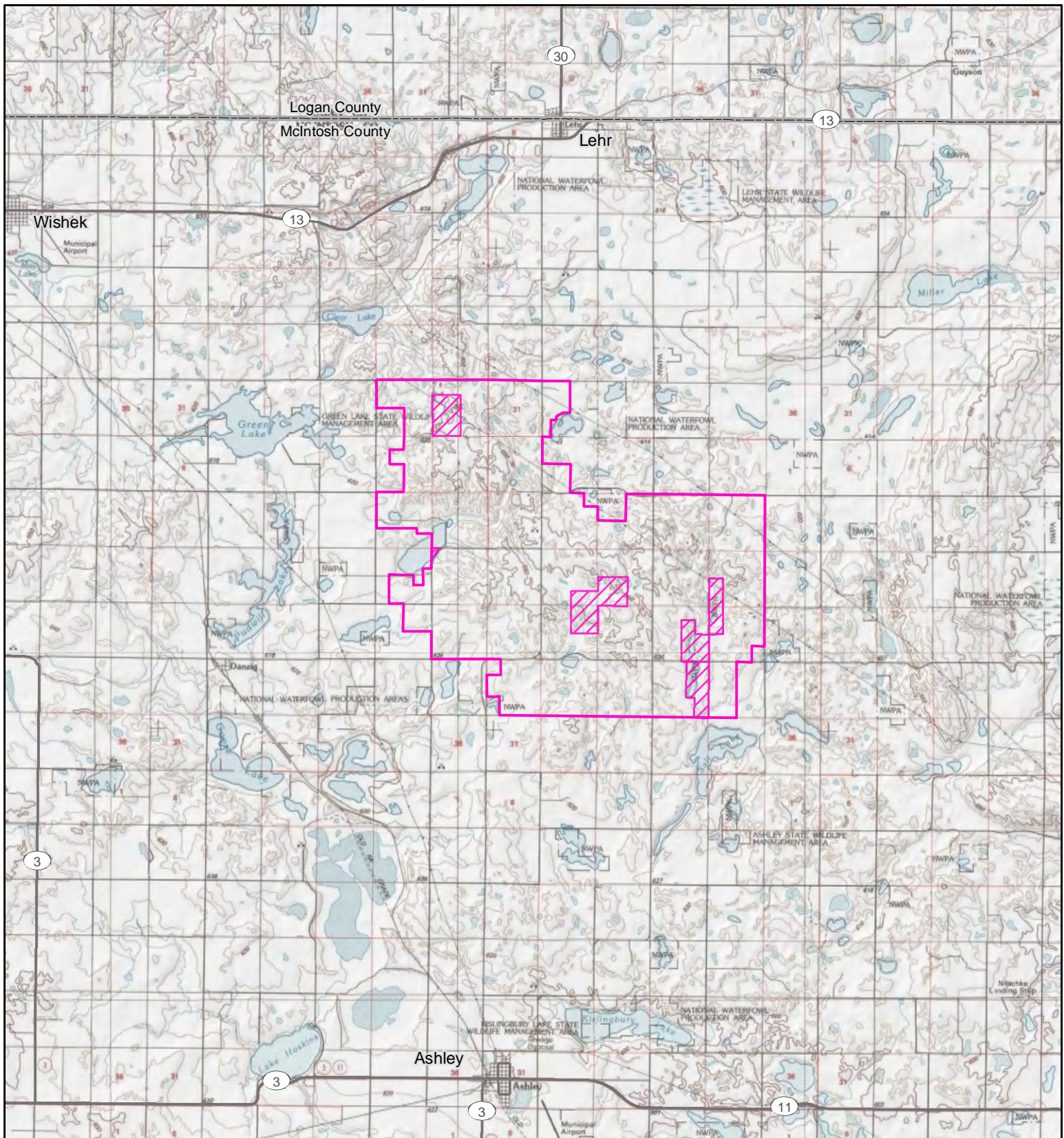
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

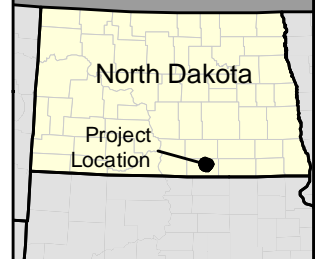
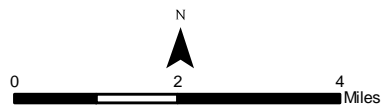
Attachment



**Project Area Map**

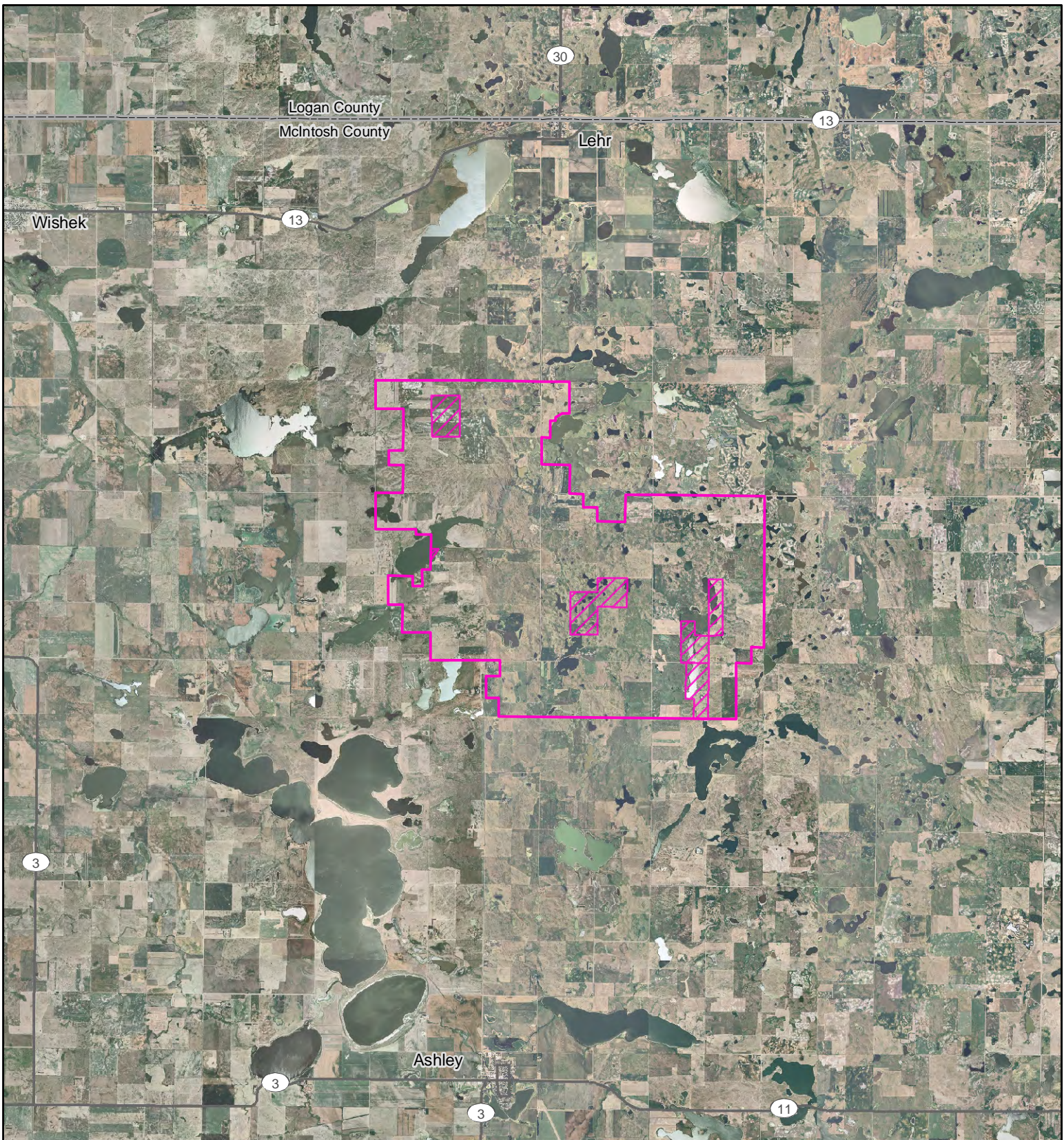
**Ashley Wind Energy Project**  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

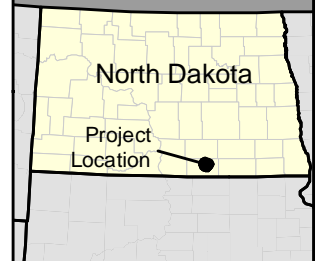
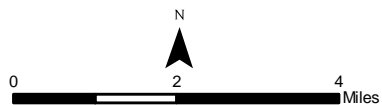


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Federal Aviation Administration  
Bismarck Airports District Office  
2301 University Drive, Building 23B  
Bismarck, ND 58504

February 2, 2010

Ms. Erika J. Roberts  
Project Manager  
Tetra Tech EC, Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Ashley Wind Energy Project  
CPV Ashley Renewable Energy Company, LLC  
and the Tennessee Valley Authority  
McIntosh County, North Dakota

Dear Ms. Roberts:

The Bismarck Airports District Office has no objections to the proposed Ashley Wind Energy Project in McIntosh County identified in your letter dated January 8, 2010 and the Tennessee Valley Authority letter dated January 28, 2010 provided:

1. The Federal Aviation Administration (FAA) is notified of construction or alterations as required by Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, Paragraph 77.13. Please note that Part 77 includes temporary construction vehicles and equipment. The Notice of Proposed Construction or Alteration Form 7460-1 may be filed online at <https://oeaaa.faa.gov>.
2. FAA technical operations are contacted to identify any possible impacts to aircraft navigation and/or communication equipment. The Minneapolis Technical Support Center Manager (MSP TSCM) may be contacted in writing at FAA MSP Technical Support Center, 14800 Galaxie Avenue, Suite 300, Apple Valley, MN, 55124 or by phone at (952) 997-9261.
3. The design, construction, and operation of the project and related improvements (including storm water retention ponds, drainage improvements, and any potential wetland mitigation sites) do not create a hazardous wildlife attractant to surrounding airports. Hazardous wildlife and hazardous wildlife separation distances are defined in FAA Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants on or near airports. All design, construction, and operation of the facility and all facility components (such as materials handling, landscaping, ditches, and storm water management) shall comply with FAA AC 150/5200-33B, Hazardous Wildlife Attractants on or near Airports. A copy of the advisory circular may be obtained at [www.faa.gov](http://www.faa.gov).

Please be advised FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, advises a 5,000 or a 10,000 foot separation distance between airports (the airport) and a hazardous wildlife attractant. Additionally, it is recommended that a 5-mile separation distance be considered when the attractant could cause wildlife movement into or across the approach or departure airspace.

If you or the proponents are uncertain if the proposed development will cause a wildlife hazard for airports, we recommend you or the proponent consult with the United States Department of Agriculture, APHIS, Wildlife Services or another qualified wildlife biologist. We recommend any wildlife biologist consulting on a matter such as this, meet the qualifications identified in FAA Advisory Circular 150/5200-36, "Qualifications for wildlife biologist conducting wildlife hazard assessments and training curriculums for airport personnel involved in controlling wildlife hazards on airports".

If not already included in your planning process, we request that Ashley Municipal Airport be given the opportunity to provide input and comments.

I appreciate that our office was given the opportunity to review this project. Please contact me at (701) 323-7380 if you have any questions or need further information.



Patricia L. Dressler  
Environmental Protection Specialist

cc: The Honorable Donald A. Kosel, Mayor, City of Ashley



TETRA TECH EC, INC.

January 8, 2010

Mr. Daniel Cimarosti  
Regulatory Program Manager  
U.S. Army Corps of Engineers Omaha District, North Dakota Regulatory Office  
1513 South 12<sup>th</sup> Street  
Bismarck, ND 58504

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Cimarosti:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the U.S. Army Corps of Engineers to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

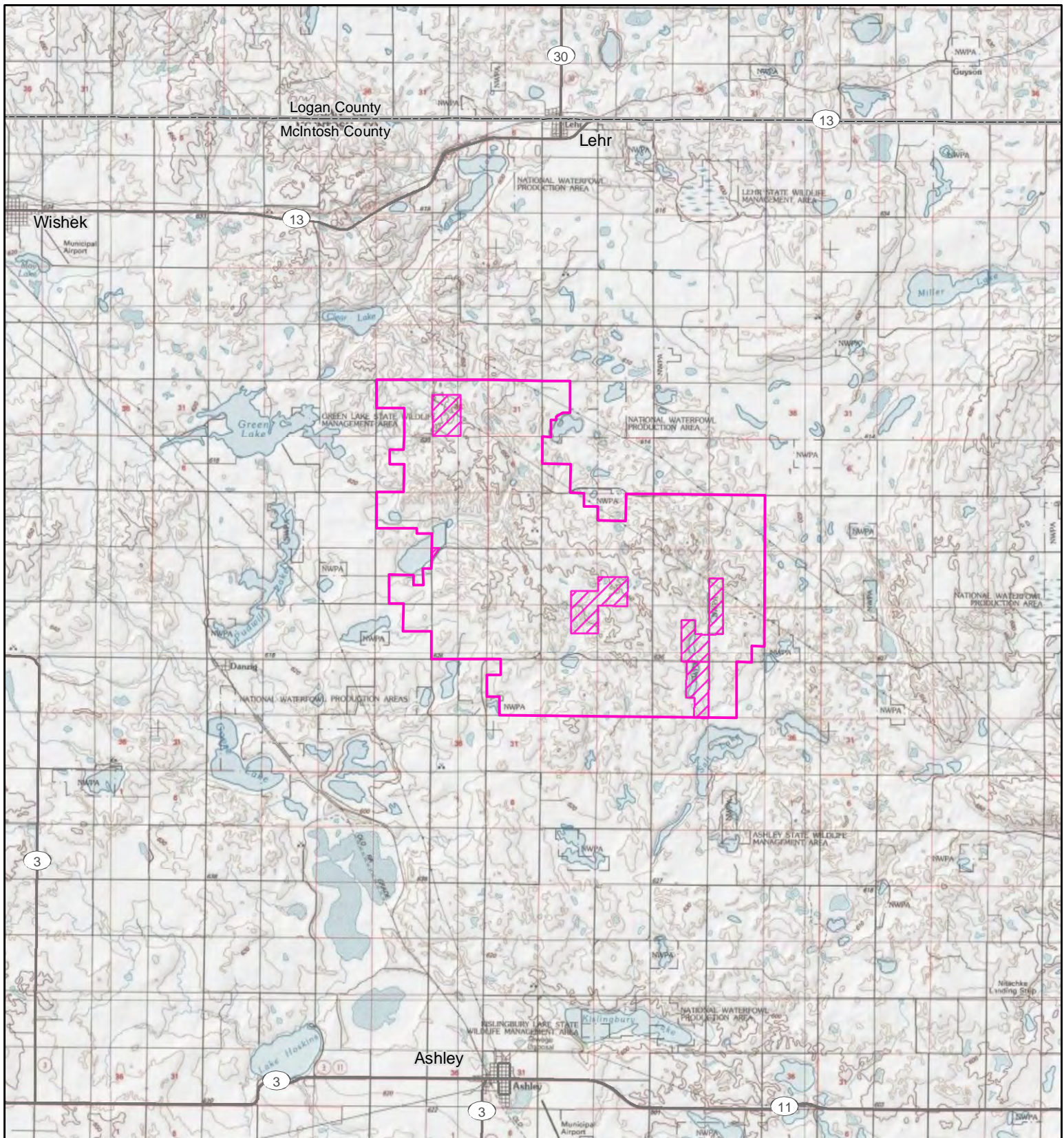
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

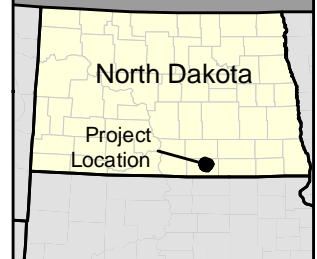
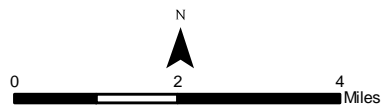
Attachment



Project Area Map

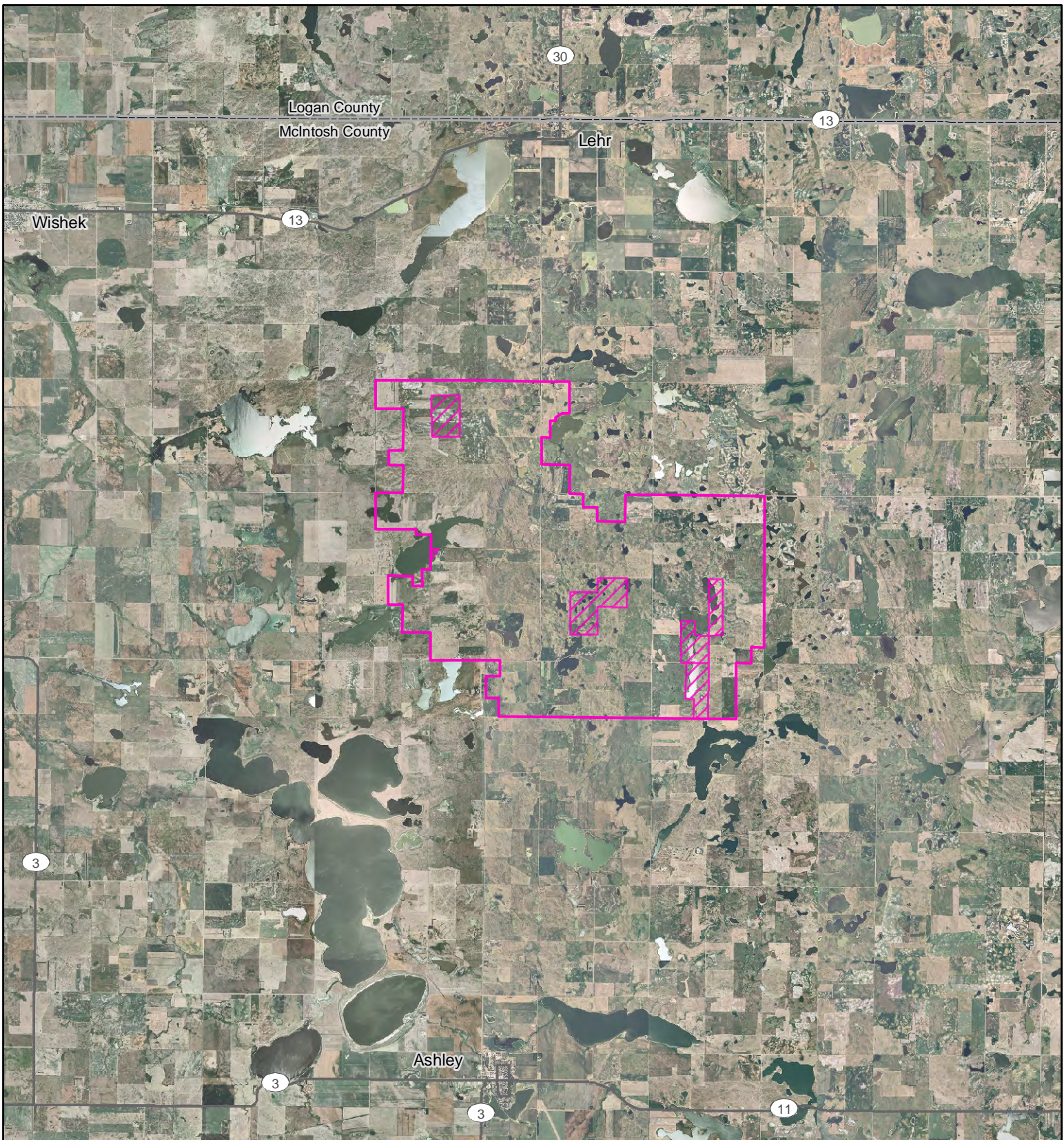
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

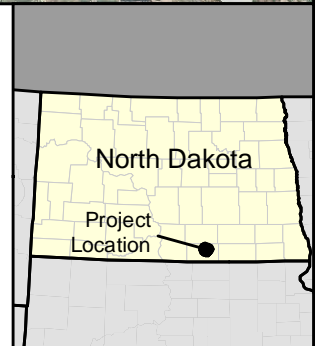
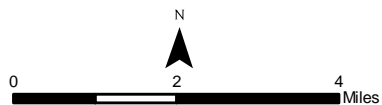


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. Russell Bubach  
Administrative Officer  
U.S. Department of Agriculture  
North Dakota State Farm Service Agency Office  
1025 28<sup>th</sup> Street South  
Fargo, ND 58103-2372

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Bubach:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the U.S. Department of Agriculture, North Dakota State Farm Service Agency to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

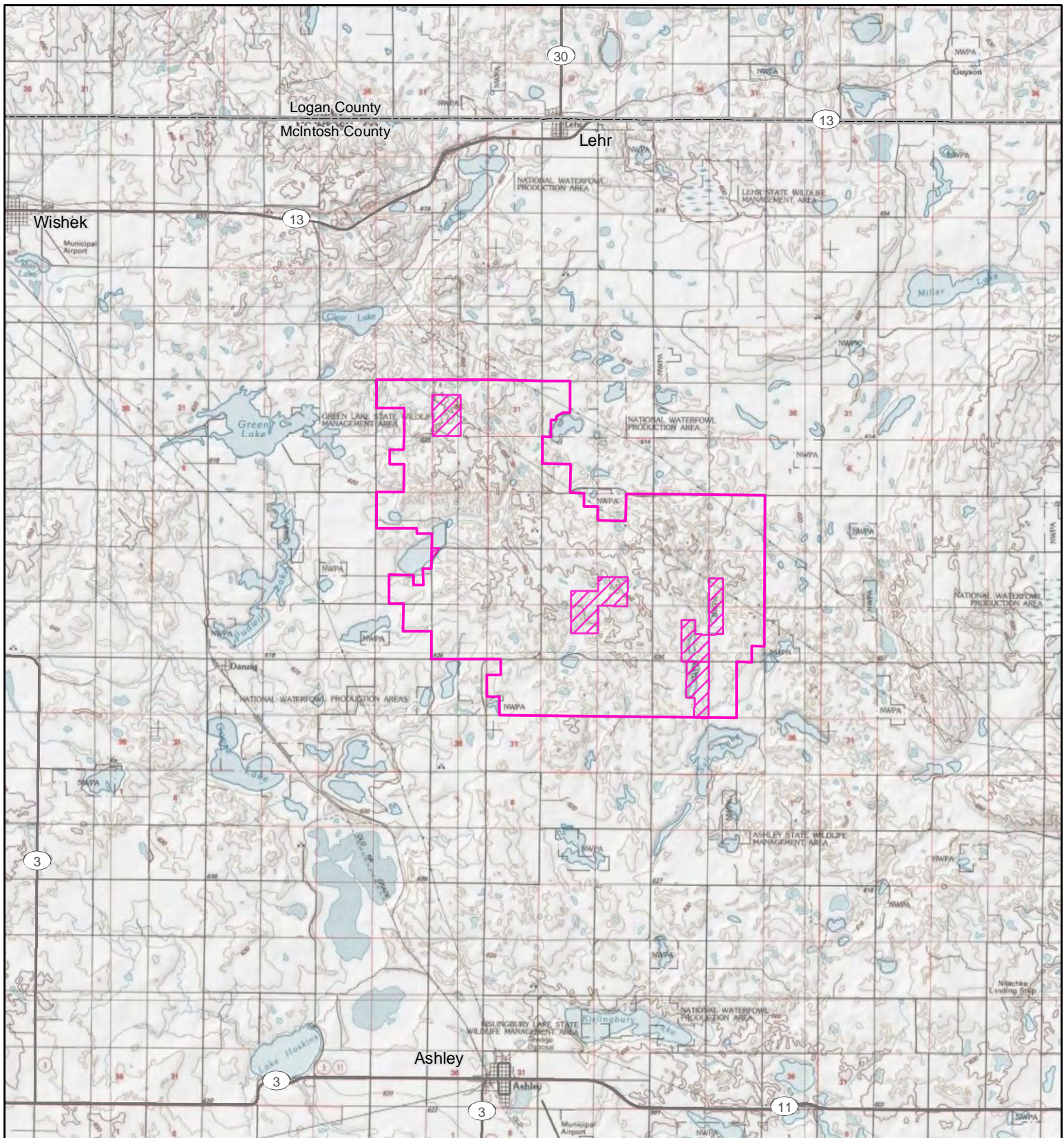
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

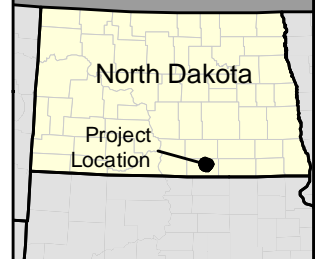
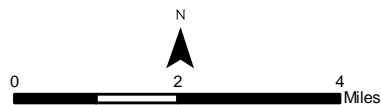
Attachment



**Project Area Map**

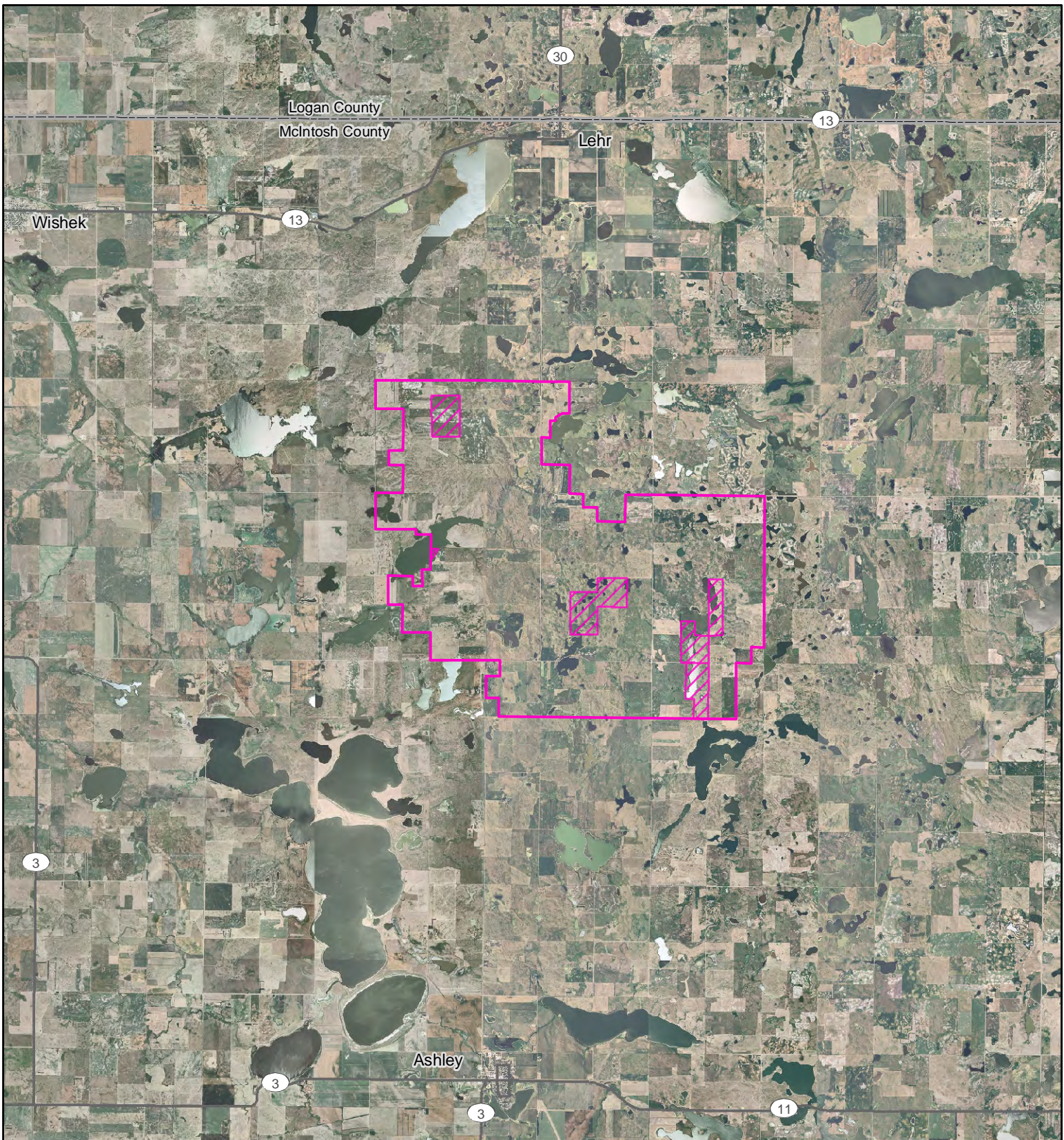
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

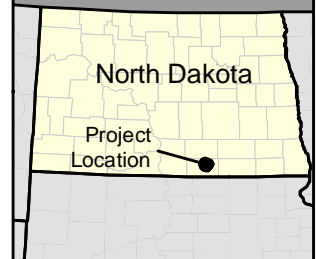
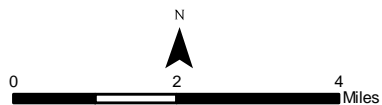


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



United States  
Department of  
Agriculture

Farm  
Service  
Agency

North Dakota State Office  
1025 28<sup>th</sup> St South  
Fargo, ND 58103-2372

Phone: (701) 239-5224  
FAX: (701) 239-5696

January 25, 2010

Erika J. Roberts, Project Manager  
Tetra Tech EC, Inc.  
133 Federal Street  
6<sup>th</sup> Floor  
Boston, MA 02110

RE: Ashley Wind Energy Project in McIntosh County, North Dakota

Dear Ericka J. Roberts:

This letter is response to your request concerning developing Wind Energy projects and the Farm Service Agency in North Dakota. As you probably know, the State of North Dakota has seen an increase of Wind Energy development. Your proposed Ashley Wind Energy Project is just one example of proposed Wind Energy projects in North Dakota.

Currently, the Farm Service Agency (FSA) does not have specific regulations targeted to Wind Energy developments all such developments are subject to existing regulations, including 7 C.F.R. § 765.252 (*Lease of Security*); 7 C.F.R. § 765.351 (*Requirements to Obtain Agency Consent*); 7 C.F.R. § 765.352 (*Use of Proceeds*); and 7 C.F.R. § 765.501 (*Exception Authority*). In addition, where CRP land is to be affected by the proposed development, the requirements of 16 U.S.C. § 3832(a) (7) must be met. Appropriately, Farm Service Agency Handbooks must also be consulted, in particular, FSA Handbooks 4-FLP and 2-CRP (Rev. 4).

For FSA Farm Loan Program (FLP) borrowers, 7 C.F.R. § 765.351 specifically states “The borrower must obtain prior consent from the Agency for any transactions affecting the real estate security, including but not limited to, sale or exchange of security, a right-of-way across security, and a partial release.” The FSA loan customer should not sign any proposed Wind Energy Agreement without prior FSA approval, since if he or she does so, they would be in non-compliance with their loan agreements with FSA, subjecting them to possible foreclosure of their mortgage. FSA Handbook 4-FLP, specifically 4-FLP Par. 99 B states that “The borrower must maintain, protect, and account for all security.” In addition, 4-FLP Par. 99 B (f) states “The borrower must protect the interest of the Agency when a third party brings suit or takes other action that could affect Agency security.” So, it is imperative that the FLP borrower contact the FSA prior to signing any Wind Energy Agreement.

The North Dakota State FSA Office has provided a Farm Loan Programs (FLP) notice to our local County FSA Offices on how to handle Wind Energy Projects. This FLP notice (Notice FLP-638) is attached for your review. While this FLP notice has expired, the basic rules apply in the handling of Wind Energy projects. The North Dakota State FSA Office is currently waiting an Office of General Counsel (OGC) opinion before rereleasing this particular FLP notice to our local FSA Offices. The Office of General Counsel is our Farm Service Agency/Department of Agriculture legal counsel.

The North Dakota State FSA Office has had a few Wind Energy Companies that have followed this particular FLP Notice and they have received National Office approval for their specific Wind Energy Projects. In the following of this Notice, the approval authority ultimately falls to the National Office located in Washington D.C. particularly the Deputy Administrator for Farm Loan Programs. The normal process is that the local County Office receives all of the paperwork, provides the Wind Energy Agreements to the State Office who reviews it and may or may not ask for an OGC review. Normally, if changes are needed to the Wind Energy Agreement, the changes are normally completed by our OGC and the Wind Energy Company and/or Wind Energy Company legal counsel. It is encouraged that if large tracts of FSA mortgaged land is involved in the proposed project, that OGC and the Wind Energy Company legal counsel develop a standardized Wind Energy Agreement that can be used for all projects. The processing time in the following of this FLP Notice can vary (depending on the extent/size of the Wind Energy Project) but typically I would say the whole process should take 3 to 6 months. Our local Office of General Counsel contact is Margit Halvorson Williams, Attorney, telephone number (651) 290-3070.

Another option for Wind Energy projects and the FSA could be a partial release. That is where the Agency is paid current market value for a tract of land requested to be released. The request has to meet the requirements of FSA Handbook 4-FLP specifically 4-FLP Par. 196 A and B (attached for your review). We have also completed these partial releases in North Dakota involving Wind Energy. Typically, the Wind Energy Company provides the FSA and/or the borrower with a specific legal description on the land they want partial released by the FSA and environmental information for the wind turbines and/or transmission lines. The environmental information is requested since we have Federal regulations to meet to make sure that the project won't affect wetlands, highly erodible land, and other environmental factors. Normally, the environmental is not a problem with Wind Energy Companies since they have to do extensive studies prior to receiving the required permits.

The normal process is that the borrower applies in their local County Office servicing their loan(s) via an FSA-2060 "Application For Partial Release, Subordination, or Consent" (attached for your review) and the borrower also has to complete a cashflow that typically shows a feasible plan of operation with the proposed transaction. While the FSA and borrower(s) are working on the cashflow. The FSA orders an appraisal (FSA typically pays for the appraisal) and we typically don't accept a third party appraisal. Typically, the appraisal is to determine a value on the partial release land requested and on the remaining farm tract (to show that FSA is still secured by the transaction). Appraisal times may vary (depending on the workload of the appraiser) but typically the appraisal timeframe is 30 to 60 days. After an appraisal is received back to FSA and it is acceptable to the FSA, the loan officer typically with complete a write-up of the transaction. Normally, the money for the partial release comes from the borrower, bank, and/or the Wind Energy Company. The wind company can set up their own agreement with the borrower if they pay for the release of the land. The partial release approval official depends on the amount of partial release land involved and how much the borrower owes to FSA. Normally, the local county office can approve the transaction but if the transaction is past their approval authority, they send it to our North Dakota State FSA Office for approval. After the approval of the partial release of the land, typically the FSA is out of the wind energy agreement since we have no lien on that particular piece of property partial released. Although, the North Dakota State FSA Office would require a modification to the Wind Energy Agreement. For example, if the original Wind Energy Agreement was for 160 acres but the partial release was only on 4.56 acres. FSA would require a modification to list only the 4.56 acres on the Wind Energy Agreement not the 160 acres.

If Conservation Reserve Program (CRP) acres are involved, the Wind Energy Company and/or FSA customer should discuss the proposed project with the local County Executive Director (CED). As per 2-CRP (Rev. 4) Amendment 12 Par. 282, a "County Committee (COC) may authorize the installation of windmills, wind turbines, wind-monitoring towers, or other wind-powered generation equipment on CRP acreage on a case-by-case basis. The Local FSA County Committee may approve up to 5.0 acres per contract of wind turbines on CRP acreage provided the environmental impacts have been considered according to subparagraph 2-CRP (Rev. 4) Amendment 12 242 F. For authority over 5 acres, COC shall submit a request in writing to Conservation Environmental Program Director (CEPD) through the State Office according to 2-CRP (Rev. 4) Amendment 12 Subparagraph 31 A. This 5.0 acre per contract threshold is a cumulative figure that is calculated by totaling the square footage of land area devoted to the footprint of the wind generating device and firebreak installment around the footprint. Access roads, transformers, and other ancillary equipment will not be considered in calculating the 5.0-acre per contract threshold."

This was a brief summary of ways to process Wind Energy Agreement with FSA currently throughout North Dakota. It should be noted that other state FSA offices may process Wind Energy differently. It is our understanding that our National FSA Office is working on a notice and/or regulations providing our office with additional guidance to processing/handling Wind Energy Agreements. Thus, the North Dakota FSA may be processing Wind Energy development differently in the future based on this National FSA Office direction. No timeframe is known on when the National Office will provide these updated notices/regulations.

The local McIntosh FSA County FSA Contacts are:

- Marlo Haugom, County Executive Director, Telephone (701) 288-3481, Fax (701) 288-3210, Mailing Address – 118 E Main Street, PO Box 160, Ashley, ND 58413
- Spencer Larson, Farm Loan Manager, Telephone (701) 254-4791, Fax (701) 254-4791, Mailing Address – 318 S. Milwaukee Ave. Suite 1, Linton, ND 58552 (Note: Farm Loan Programs out of Emmons services both McIntosh and Emmons counties)

If you have any further questions concerning the North Dakota State FSA policy, please feel free to contact Ryan Lindbom, Farm Loan Specialist in the North Dakota State FSA Office at (701) 893-2219. Thank you for your attention to this matter.

Sincerely,



Aaron Krauter  
North Dakota State Executive Director

Attachments

CC: Emmons FSA Office, Attn: Farm Loan Programs (w/o attachments)  
CC: McIntosh FSA Office, Attn: Marlo Haugom, CED (w/o attachments)  
CC: Russ Bubach, AO, North Dakota State FSA Office (w/o attachments)

FSA-2060  
 (12-31-07)

U.S. DEPARTMENT OF AGRICULTURE  
 Farm Service Agency

Position 5

**APPLICATION FOR PARTIAL RELEASE, SUBORDINATION, OR CONSENT**

**PART A - BORROWER REQUEST**

1. The undersigned (a) \_\_\_\_\_

("Borrower") in accordance with the terms of the security instruments now held by the United States, acting through U.S. Department of Agriculture, Farm Service Agency (called "Government") on the property, apply for:

(b)  release,

(c)  subordination to (d) \_\_\_\_\_

\_\_\_\_\_ I agree that none of the funds obtained as a result of the subordination will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity as explained in 7 C.F.R, part 1940, subpart G, Exhibit M;

(e)  consent to (f) \_\_\_\_\_

2. Description of Property:

3. Name of lienholder, approximate amount of each lien, including FSA in the order of lien priority:

(a) Name of lienholder	(b) Approximate amount of lien	(c) Lien priority
	\$	
	\$	
	\$	
	\$	

4. The use to be made of the property covered by this application:

5. The anticipated proceeds or benefits from this transaction are:

6. Additional considerations:

7. Borrower proposes to use the proceeds as follows:

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information ( Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

8. Have you, or any entity members if applicable, ever been: (If "Yes", provide details in Item 9)	YES	NO
(a) Convicted under any Federal or State law of planting, cultivating, growing, producing, harvesting, or storing a controlled substance within the previous 5 crop years? (See the Food Security Act of 1985, Pub. Law. 99-198)		
(b) Determined ineligible for Federal benefits based on a conviction for the distribution of controlled substances or any offense involving the possession of a controlled substance under 21 U.S.C. 862?		
(c) Determined ineligible for Federal benefits based on Federal Crop Insurance Corporation fraud? (See 7 U.S.C. 1515)		

9. Explanations for any "YES", answers to Item 8.

10. I understand that unless FSA executes a separate written instrument for subordination or partial release, FSA's approval of this application will merely constitute and evidence FSA's consent, as lienholder, to the proposed transaction without in any way subordinating its liens, releasing any of its security, modifying the payment terms of my loans, or otherwise affect any FSA rights. If this application is approved, I agree to comply with such terms as may be set by FSA and to dispose of the proceeds as required by FSA.

The statements and representations made above are made in connection with the request for a change in the loan security and/or the release of USDA-provided funds. The making of any false statement or misrepresentations herein may be a crime punishable under the Title 18 U.S.C., §1001. I certify that the statements made are true, complete, and correct to the best of my knowledge and belief.

11A. Signature	11B. Date
12A. Signature	12B. Date
13A. Signature	13B. Date
14A. Signature	14B. Date

**NOTE:** *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): the Farm Service Agency (FSA) is authorized by the Consolidated Farm and Rural Development Act, as amended (7 USC 1921 et seq.), or other Acts, and the regulations promulgated thereunder, to solicit the information requested on its application forms. The information requested is necessary for FSA to determine eligibility for credit or other financial assistance, service your loan, and conduct statistical analyses. Supplied information may be furnished to other Department of Agriculture agencies, the Internal Revenue Service, The Department of Justice or other law enforcement agencies, the Department of Defense, the Department of Housing and Urban Development, the Department of Labor, the United States Postal Service, or other Federal, State, or local agencies as required or permitted by law. In addition, information may be referred to interested parties under the Freedom of Information Act (FOIA), to financial consultants, advisors, lending institutions, packagers, agents, and private or commercial credit sources, to collection or servicing contractors, to credit reporting agencies, to private attorneys under contract with FSA or the Department of Justice, to business firms in the trade area that buy chattel or crops or sell them for commission, to Members of Congress or Congressional staff members, or to courts or adjudicative bodies. Disclosure of the information requested is voluntary. However, failure to disclose certain items of information requested, including your Social Security Number or Federal Tax identification Number, may result in a delay in the processing of an application or its rejection.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0236. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.*

**PART B - FSA APPROVAL**

1. Recommendation for approval or denial of the request and comments

2(a) Initial Payment	2(b) Subsequent Payments
(1) \$ _____ to prior liens	(1) \$ _____ or _____ % to prior liens
(2) \$ _____ to extra payment on FSA loan	(2) \$ _____ or _____ % to extra payment of FSA loan
(3) \$ _____ to regular payment on FSA loan	(3) \$ _____ or _____ % to regular payment of FSA loan
(4) \$ _____ Other (specify): _____	(4) \$ _____ Other (specify): _____
(5) \$ _____ to borrower	(5) \$ _____ or _____ % to borrower

3. I hereby:  
 (a)  recommend this application for approval.  
 (b)  do NOT recommend this application be approved.

(c) Recommending Official Name	(d) Title
(e) Signature	(f) Date

4. I hereby:  
 (a)  approve this application.  
 (b)  do NOT approve this application

(c) Reason for denial of the request:

(d) Approving Official Name	(e) Title
(f) Signature	(g) Date

## Section 3 Real Estate Security Partial Releases

## 196 Requirements

## A. General

[7 CFR 765.351] The borrower must obtain prior consent from the Agency for any transactions affecting the real estate security, including but not limited to, sale or exchange of security, a right-of-way across security, and a partial release. The Agency may consent to such transactions provided the conditions in this section are met.

## B. Conditions for Approval

[7 CFR 765.351(a)] The following conditions apply to all transactions affecting real estate:

- (1) The transaction will enhance the objectives for which the Agency loan or loans were made;
- (2) The transaction will not jeopardize the borrower's ability to repay the Agency loan, or is necessary to place the borrower's operation on a sound basis;

**Note:** Partial releases after acceleration can be approved, according to subparagraph 197 E, as items (1) and (2) can be met by orderly liquidation.

- (3) The amount received for the security being disposed of or the rights being granted is not less than the market value;
- (4) Any proceeds in excess of the market value are remitted to lienholders in the order of lien priority;
- (5) The transaction must not interfere with the borrower's farming operation;
- (6) The market value of the remaining security is adequate to secure the Agency loans, or if the market value of the security before the transaction was inadequate to fully secure the Agency loans, the Agency's equity in the security is not diminished;
- (7) The environmental requirements of subpart G of 7 CFR part 1940 must be met;
- (8) The borrower cannot graduate to other credit; and
- (9) The borrower must not be ineligible due to disqualification resulting from Federal Crop Insurance violation according to 7 CFR part 718.

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Fargo, North Dakota 58103  
Farm Service Agency  
North Dakota State FSA Office

**North Dakota  
Notice FLP- 638**

Filing: 4-FLP

**For:** All County and District Offices

**Wind Energy**

**Approved By:** State Executive Director

---

**1. Overview:**

---

**A. Background** The State of North Dakota has seen an increase in Wind Energy development in recent months with the proposal of "Wind Farms" in certain local communities throughout North Dakota, as well as an increase of Wind Energy projects such as Wind Towers and transmission line construction throughout the state. Most wind farms in the U.S. operate on working ranches, farms, and rangeland.

The North Dakota State FSA Office has received numerous requests from FSA Farm Loan customers throughout North Dakota asking for FSA approval to build wind towers or develop wind tower transmission lines on FSA-mortgaged land.

---

**B. Purpose** The purpose of this FLP notice is to provide FSA field offices with guidance on the handling of requests for consent to develop Wind Energy projects. This FLP Notice has the concurrence of the Office of General Counsel (OGC).

---

**C. Contact** Questions regarding this Notice should be directed to Ryan Lindbom, Farm Loan Programs at (701) 893-2219 and/or Don Wellman, Farm Loan Program Director at (701) 893-2241 in the North Dakota State Office.

**Disposal**  
September 30, 2009

**Distribution**  
County, District and State Offices  
Attn: FLP

September 23, 2008

## 2. County Office Action:

In North Dakota, all Wind Energy Projects development must first be approved by the North Dakota Public Service Commission. The Wind Energy Company must provide the Commission with environmental information for it to complete an environmental review, and obtain specific permits and licenses from the Commission for the proposed development.

The FSA Farm Loan customer is typically either contacted by a Wind Energy Company wishing to develop a project on his land, or the customer attends a Wind Energy Company public meeting proposing the project. If the customer expresses an interest in permitting his property to be used for development, the Wind Energy Company provides a Wind Tower Agreement, Land Lease Agreement, Wind Energy Project Easement, and/or some other legal agreement for the borrower's signature. Whatever the Agreement is called, it will typically grant the requesting company the right to lease the property for a specified number of years and/or provide that the liens and interests of all other parties, including FSA's mortgage, are subordinate to the rights of the company. Throughout the rest of this FLP Notice we will refer to these Agreements as "Wind Tower Agreements."

In some instances, the Wind Energy Company has done a title search prior to contacting the borrower, and contacts all lienholders to obtain their consent to the project, as well as that of the borrower. However, in many instances, the companies ask the borrower to sign the Agreement before any attempt is made to contact lenders and others having an interest in the land. It is strongly encouraged that borrowers obtain proper legal representation prior to signing any documentation regarding a Wind Energy project. FSA personnel may not provide any legal opinion on Wind Energy projects. The FSA loan customer should not sign the proposed Wind Tower Agreement without prior FSA approval, since if he does so, he could be in non-compliance with his loan agreements with FSA, subjecting him to possible foreclosure of the mortgage.

Although Farm Service Agency does not have specific regulations targeted to Wind Energy developments, all such developments are subject to existing regulations, including 7 C.F.R. § 765.252 (*Lease of Security*); 7 C.F.R. § 765.351 (*Requirements to Obtain Agency Consent*); 7 C.F.R. § 765.352 (*Use of Proceeds*); and 7 C.F.R. § 765.501 (*Exception Authority*). In addition, where CRP land is to be affected by the proposed development, the requirements of 16 U.S.C. § 3832(a) (7) must be met. Appropriate Farm Service Agency Handbooks must also be consulted, in particular, FSA Handbooks 4-FLP and 2-CRP (Rev. 4).

If an FSA loan customer or energy company requests information from the County Office on what is needed by the FSA for their particular Wind Energy project, the following should be discussed:

## 2. County Office Action (Continued):

- A. A full and precise legal description of the property is needed by the FSA. The description must show where the proposed wind tower(s) and/or the transmission lines will be constructed, the location of all access roads, and the description of all other development (i.e., buildings to house transmission equipment). **This legal description must be specific.** For instance, the company cannot just list a quarter of land as the proposed development site. The company must provide a specific legal description so that FSA can determine what environmental assessments are needed, what cropland, pasture, wetlands, or waste land is affected by the proposed transaction, and determine if the farming operation will be adversely affected by the proposed transaction. **Note:** The Wind Energy Company should also provide maps, aerial maps, plans, and any other documentation used to determine the proper legal description for the proposed construction.
- B. The Wind Tower Agreement language must reasonably limit the power of the Energy Company over the land described in the agreement. For example, a document may not provide that the Company has sole discretion to locate, install and operate access roads, or use vague language such as “whatever equipment and improvements are necessary or useful to convert wind energy into electricity.” The Wind Tower Agreement may have language that gives the Wind Energy Company permission to build and install such facilities as foundations and concrete pads, steel towers, large turbine generators, wires, anchors, fences, maintenance, and roads, etc., but they should be described, and the agreement should require that the company receives written permission from the land owner and all lien holders before they are installed.
- C. The Wind Tower Agreement must allow access to the security property to the FSA loan customer and all lien holders. The Wind Energy Company may limit access to the specific towers, equipment, and buildings it constructs, in order to provide for public safety and the security of the improvements it makes to the property.
- D. The Wind Tower Company must provide specific terms of the proposed Wind Tower Agreement. It should be noted that 7 C.F.R. § 765.252 and 4-FLP Par. 99 E (2) limit the terms of real estate security leases to 3 years, or 5 years if the borrower and the lessee are related by blood or marriage. Thus, any wind tower agreement for a term longer than 3 years will need a Deputy Administrator for Farm Loan Programs Administrator Exception, as described in 4-FLP 4 B.
- E. The Wind Tower Agreement must provide specific monetary figures. The figures may include upfront payments, annual lease payments, and/or any other compensation to be paid to the FSA farm loan customer in the

## 2. County Office Action (Continued):

development of the project. This Wind Tower Agreement should also include how lease payments will be determined (if payment is based on how much wind energy is produced, an annual fixed lease price, the cost of inflation, or any other formula). The Agreement should also state when the FSA farm loan customer will receive payment (annually, semi-annually, quarterly, or monthly).

- F. The Wind Tower Agreement will not have language that permits the energy company to sell, assign, encumber, or transfer its interest under the Agreement, relieving it of further liability for performance, unless the Agreement provides that the company must first obtain the written consent of the Owners and lienholders.
- G. If a Wind Energy Company requests a subordination from the FSA for its particular wind energy project, the Deputy Administrator for Farm Loan Programs must grant an exception before the request can be granted. 7 C.F.R. § 765.205 only permits subordination of FSA's lien to the lien of another **lender**. Therefore, 4-FLP Par. 117 does not address issues proposed by the Wind Tower Agreement. If the Wind Energy Company requests the Agency to approve the requested subordination on its own particular subordination form, the company must provide the form to FSA to obtain OGC's review and approval of its use.
- H. The Wind Tower Company must provide all environmental information concerning the Wind Tower project for the particular legal description involved. As noted above, all Wind Tower Companies in North Dakota must undertake environmental review and obtain specific permits and licenses for the proposed development by the North Dakota Public Service Commission. Copies of pertinent documentation should be provided to FSA for its review.
- I. If CRP acres are involved, the Farm Loan Manager should have the Wind Energy Company and/or FSA Farm Loan Customer discuss the proposed project with the local County Executive Director (CED). As per 2-CRP (Rev. 4) Amendment 12 Par. 282, a "COC may authorize the installation of windmills, wind turbines, wind-monitoring towers, or other wind-powered generation equipment on CRP acreage on a case-by-case basis. COC may approve up to 5.0 acres per contract of wind turbines on CRP acreage provided the environmental impacts have been considered according to subparagraph 2-CRP (Rev. 4) Amendment 12 242 F. For authority over 5 acres, COC shall submit a request in writing to Conservation Environmental Program Director (CEPD) through the State Office according to 2-CRP (Rev. 4) Amendment 12 Subparagraph 31 A. This 5.0 acre per contract threshold is a cumulative figure that is

## 2. County Office Action (Continued):

calculated by totaling the square footage of land area devoted to the footprint of the wind generating device and firebreak installment around the footprint. Access roads, transformers, and other ancillary equipment will not be considered in calculating the 5.0-acre per contract threshold.”

- J. The proposed Wind Tower Agreement must have specific language in the Agreement that documents removal of any wind power facilities. The Agreement must not state that the Wind Tower Company has sole discretion to remove any or all wind towers at any time. The agreement must state the Wind Tower Company may dismantle wind tower facilities after receiving written permission from the land owner and all lien holders.
- K. If the Wind energy project proposes crop damage or pasture damage during or after construction, the Wind Tower Agreement must have a specific formula to determine damages. The formula must be acceptable to the Agency and to the Farm Loan Program customer.

After receiving a Wind Tower Agreement and a signed FSA Form 2060 “Application for Partial Release, Subordination, or Consent” from the FSA farm loan customer, the Farm Loan Manager should review the proposed Wind Tower Agreement and the FSA Form 2060 thoroughly. A copy of the Agreement and Form 2060 should be sent to the North Dakota State FSA Office, Attn: STO FLP. This initial review by the Farm Loan Manager will be documented in the Farm Business Plan (FBP) running record. A copy of this running record will be placed in the customer’s case file.

After the initial review by the FLM and the North Dakota State FSA Office, the Manager will send a letter to the FSA loan customer with a courtesy copy sent to the North Dakota State FSA Office and the Wind Energy Company. This letter will reference the application for a Wind Tower or transmission lines and whether the application is considered complete. If the Wind Tower Agreement needs rewording, the FLM should specifically state in the letter which wording needs modification.

After an application is received, FSA should order an appraisal to determine the value of the property with the proposed development. The appraisal will be based on the specific legal description that the Wind Energy Company provided, as well as the building of any roads or other development. Normally, the FLM should order an appraisal concerning the entire property affected by the transaction. For example: on a 160-acre farm, a Wind Energy Company is proposing a Wind Energy Project on 5 acres, and construction of roads on an additional 6 acres.

## 2. County Office Action (Continued):

The FLM should order an appraisal based on the whole parcel affected, in this case, the 160-acre farm. Another example: a Wind Energy Company is proposing a 4-acre wind tower project on an 80-acre parcel. The entire FSA security is 640 acres. In this example, the FLM would order an appraisal on only the 80-acre parcel, not the entire 640 acres. The appraisal report should show the tract "as is" and "as improved" with the proposed Wind Energy construction. The wind tower project may or may not have an adverse impact on property value, as determined by the Agency appraisal.

The FLM must view the proposed property and complete Form FSA-851 "Environmental Risk Survey Form," which will be forwarded to the State Environmental Coordinator (SEC) for approval prior to any referral to the Deputy Administrator for Farm Loan Programs Administrator for an exception as described in 4-FLP 4 B. The proper completion of the FSA-851 enables FSA to determine if a higher level of site assessment by an environmental professional is necessary to determine the exact level of threat to the environment. As mentioned earlier in the FLP Notice, the Wind Tower Company must provide all environmental information concerning the Wind Tower project for the particular legal description involved for FSA to make a proper environmental evaluation. As directed in 4-FLP Par. 196 B (7) "The environmental requirements of subpart F of 7 CFR part 1940 must be met." Photographs, aerial maps, and any other documentation are encouraged for a proper environmental evaluation. Any direct questions concerning the environment should be forwarded to the State Environmental Coordinator. The State Environmental Coordinator will be the approval official for any proposed transaction and will determine what additional requirements are needed for a proper environmental evaluation.

The Farm Loan customer and the FLM must complete a Farm Business Plan (FBP) as described in 1-FLP Section 3 for the proposed Wind Energy project. A Credit Presentation using the D-Loan/Regular Servicing Credit Action is also required.

As per 4-FLP Par. 197 A, "Proceeds from transactions affecting the real estate security may only be used as follows: (1) Applied on liens in order of priority." The income from the wind energy project must be assigned to lienholders. This includes upfront money paid to the farm loan customer and annual payments made to the farm loan customer. This would normally be an extra payment on the FSA loans. However, as per 4-FLP Par. 197 D, "With SED's consent, proceeds may be applied to FSA as regular payments." FSA would require the completion of Form FSA-2044 "Assignment of Income from Real Estate Security" for this assignment, unless OGC approves use of an assignment form drafted by the Wind Energy Company.

If the Wind Energy Company requests to contact the Office of General Counsel (OGC) directly on modifications to its Wind Tower Agreement, it should be first referred to the North Dakota State FSA Office. The Wind Energy Company will

## 2. County Office Action (Continued):

be referred on a case by case basis to OGC, based on the complexities involved in the case and the modifications needed to the Agreement.

After the environmental evaluation is completed, the appraisal is received and deemed acceptable by FSA, the FBP and FBP Credit Presentation has been completed, and the Wind Tower Agreement has been modified as deemed acceptable to the FLM, the case file and all other documentation received should be forwarded to the North Dakota State FSA Office. (The local District Director will not be the approval official for the Wind Tower Agreement.) The North Dakota State Office will then refer the case to OGC for its legal opinion. OGC will draft a Memorandum stating any legal objections to provisions of the Wind Tower Agreement, and provide it with the case file to the North Dakota State FSA Office.

In order to obtain approval for the Wind Energy Project from the Deputy Administrator for Farm Loan Programs, the case file must specifically document that the Wind Tower Agreement meets the requirements of 4-FLP Par. 196 B, and 7 C.F.R. § 765.351(a), specifically:

- 1) The transaction will enhance the objectives for which the Agency loan or loans were made;
- 2) The transaction will not jeopardize the borrower's ability to repay the Agency loan, or is necessary to place the borrower's operation on a sound basis;
- 3) The amount received for the security being disposed of or the rights being granted is not less than market value;
- 4) Any proceeds in excess of the market are remitted to lienholders in the order of lien priority;
- 5) The transaction must not interfere with the borrower's farming operation;
- 6) The market value of the remaining security is adequate to secure the Agency loans, or if the market value of the security before the transaction was inadequate to fully secure the Agency loans, the Agency equity in the security is not diminished;
- 7) The environmental requirements of subpart F of 7 CFR part 1940 must be met.
- 8) The borrower cannot graduate to other credit; and
- 9) The borrower must not be ineligible due to disqualification resulting from Federal Crop Insurance violation according to 7 CFR part 718.

If the Wind Tower Agreement is legally acceptable, and the case file properly documents that the preceding requirements have been met, the North Dakota State FSA Office will forward the case file to the Deputy Administrator for Farm Loan Programs for approval. Pursuant to 4-FLP Par. 4 B, "SED's must submit an exception request, in writing, to the Administrator or DAFLP (Deputy

## 2. County Office Action (Continued):

Administrator for Farm Loan Programs). The request must describe the status of the account, including:

- A brief background on the case
- Total outstanding FSA indebtedness; loan types and amounts
- Current status of the account; if it is delinquent, where it is in Primary Loan Servicing.
- Type of security (chattel or real estate) and estimated value
- Prior liens
- Proposed plan of action that warrants the exception request
- What procedure is to be waived
- The adverse effect to FSA resulting from compliance with the regulation and how it would be eliminated or minimized through the exception
- Discussion of graduation
- How the action is in the best interest of the Government
- Additional Information that SED thinks will be needed to review the case.

**Note:** As per 4-FLP Par. 4 B “A decision as to whether an exception request will be submitted will be at FSA’s discretion and is not appealable.”

If the proposed Wind Energy Project is approved by the Deputy Administrator for Farm Loan Programs, the North Dakota State FSA Office will send a memo to the County Office with specific closing instructions.

**Note:** The key to any Wind Energy Project application is documentation. North Dakota FSA employees are responsible for documenting **all** contacts with the borrower or other significant persons related to the transaction, such as other lenders, closing agents, wind tower employees, etc. Information recorded should include the date, who was involved, items discussed, outcomes, and necessary follow-up when required. Information recorded in the running case record should be factual and able to be substantiated. Opinions, speculations, feelings, and instincts should be avoided. Documentation may take many forms but should always be clear, concise, readable, and factual.

This FLP notice may be forwarded to Wind Energy Companies at the Farm Loan Manager’s discretion. In certain cases, it could help the Wind Energy Company understand what is needed for FSA approval of a Wind Energy Project.



TETRA TECH EC, INC.

January 8, 2010

Ms. Mary Baumann  
District Conservationist  
U.S. Department of Agriculture, Natural Resources Conservation Service  
Ashley Field Office  
118 E. Main, PO Box 389  
Ashley, ND 58413-0389

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. Baumann:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the U.S. Department of Agriculture, Natural Resources Conservation Service to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

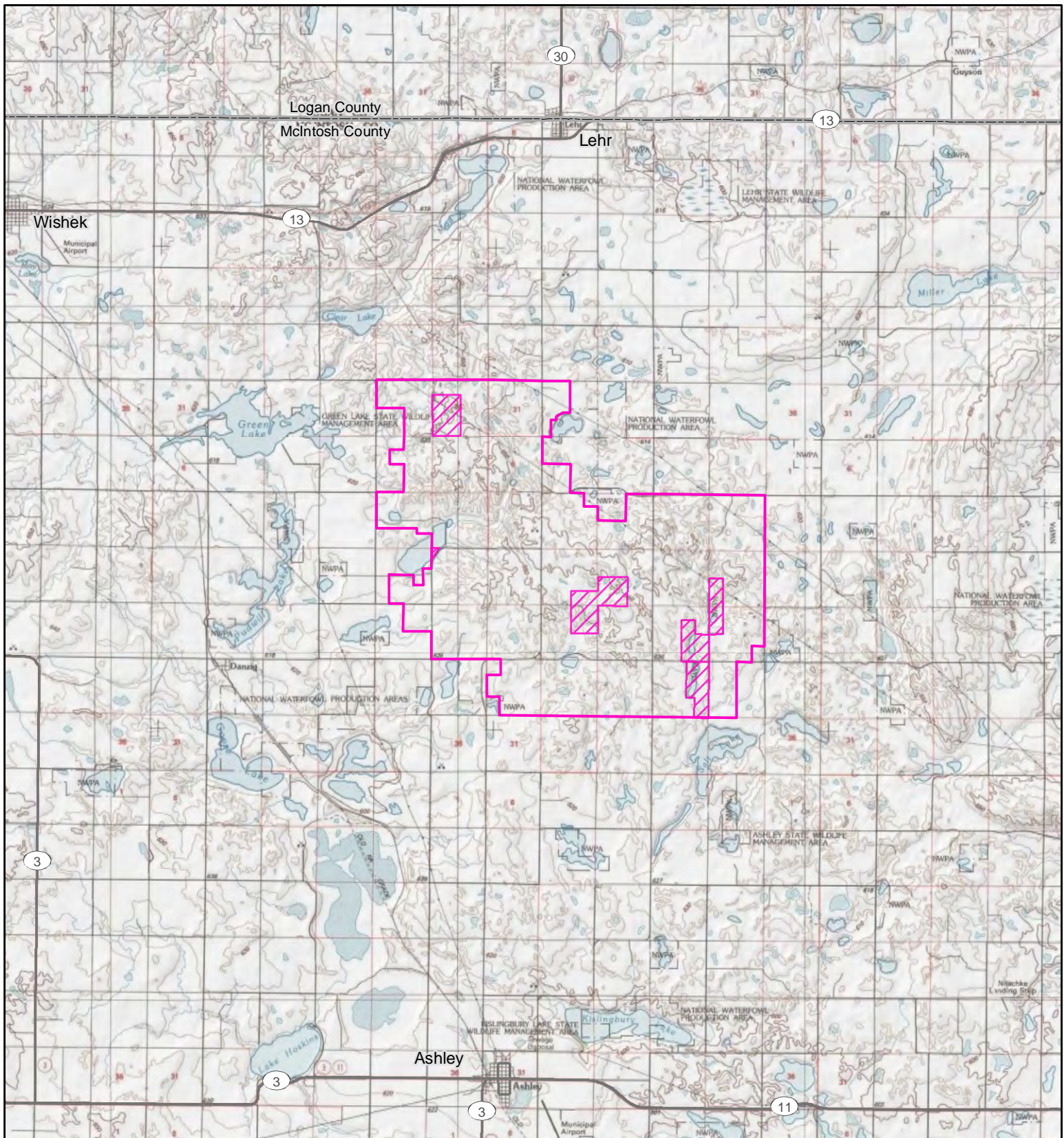
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

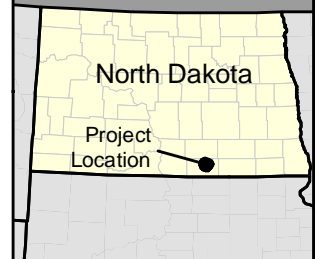
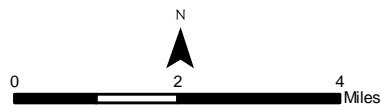
Attachment



Project Area Map

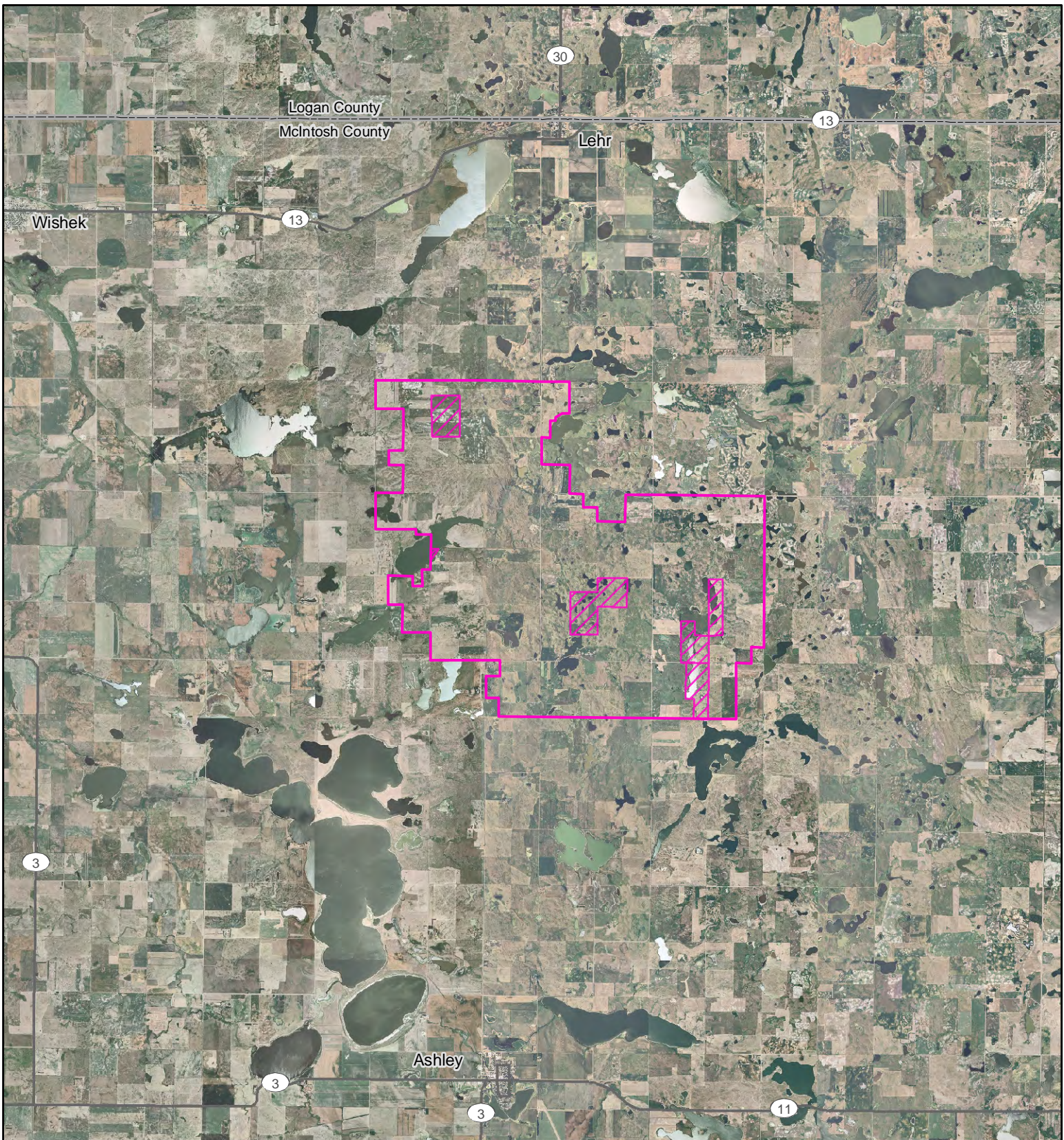
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

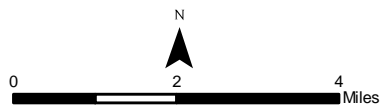


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

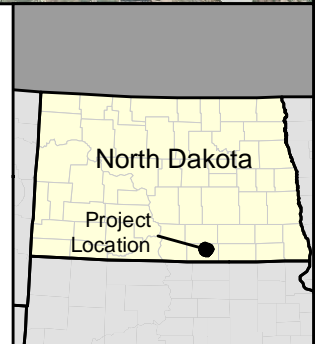


- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Mike Shanahan  
Chief of Staff  
U.S. Environmental Protection Agency – Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Shanahan:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the U.S. Environmental Protection Agency to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

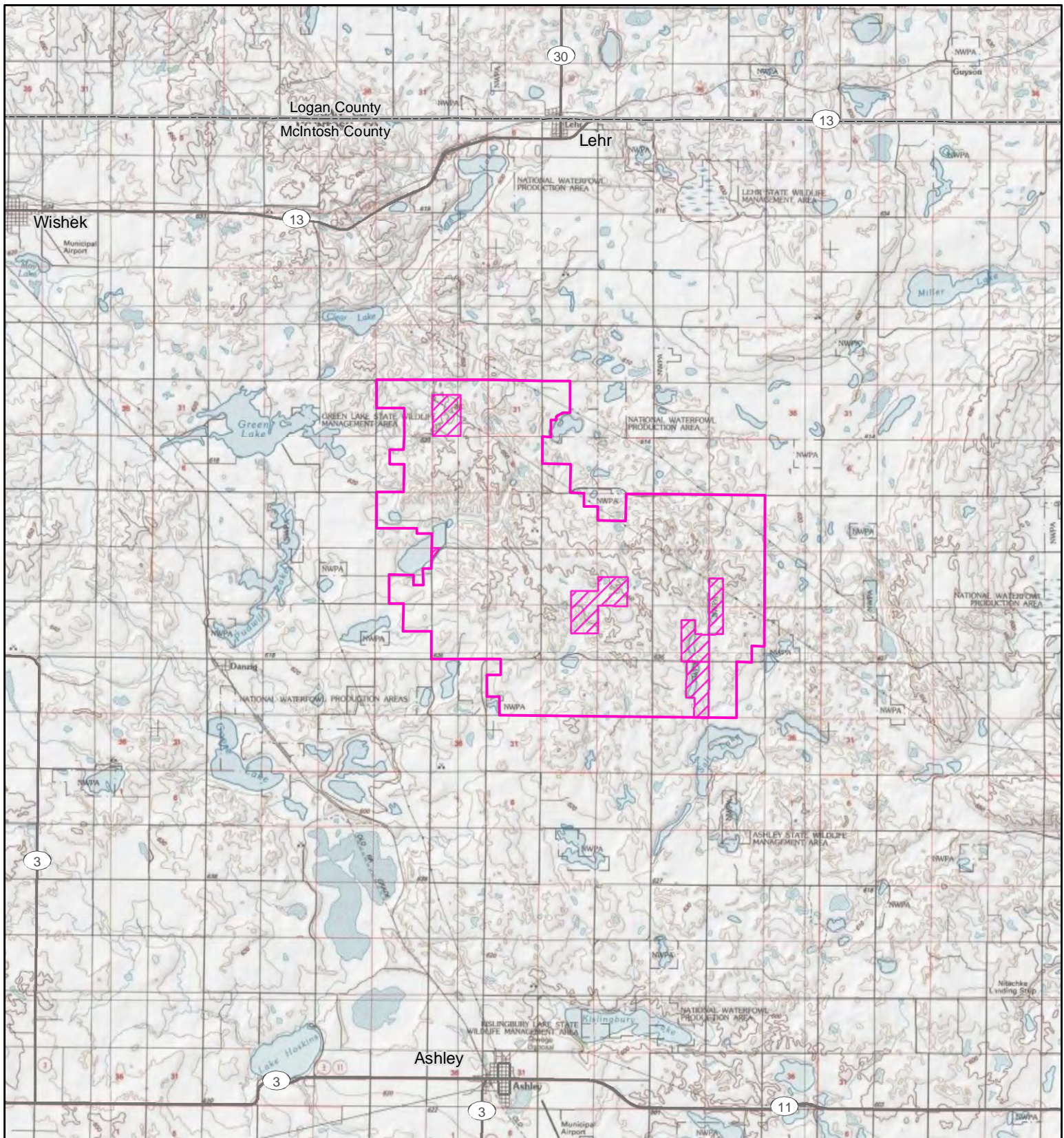
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

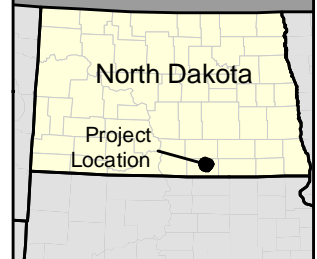
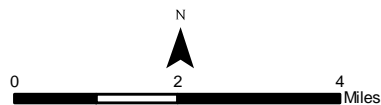
Attachment



Project Area Map

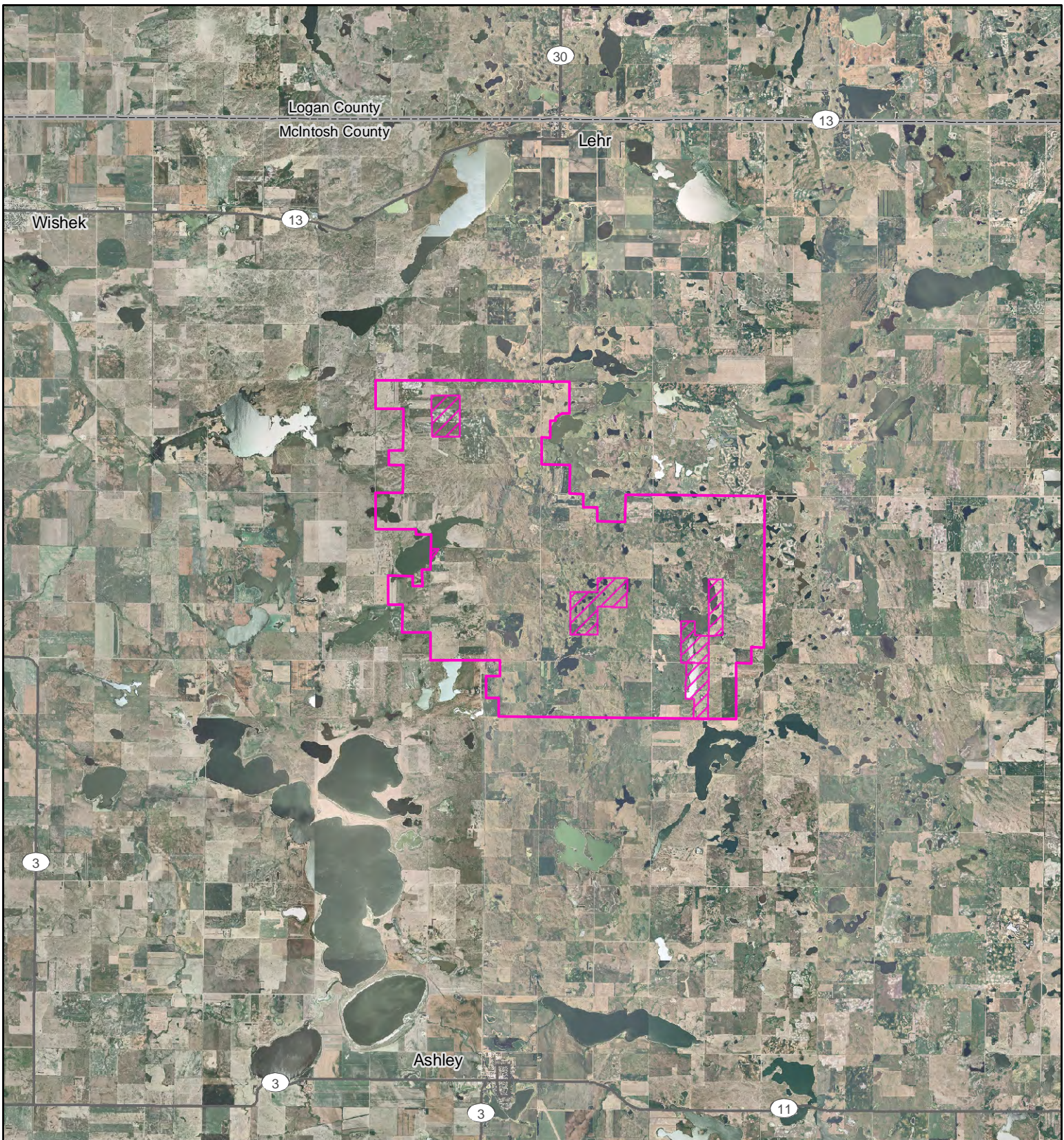
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

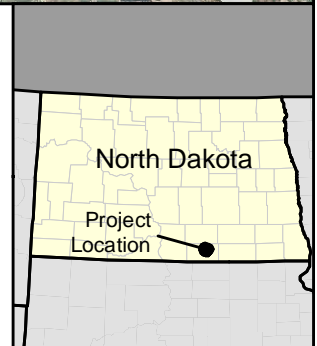
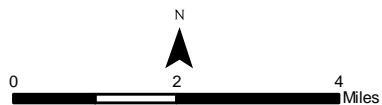


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**FEB 05 2010**

Ref: EPR-N

Erica J. Roberts  
Project Manager  
Tetra Tech EC, Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

**RE: Ashley, North Dakota Wind Energy Project – Certificate of Site Compatibility**

Dear Ms. Roberts:

This letter is acknowledgement of receipt of your January 8, 2010 Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota, which you submitted to Mike Shanahan, Chief of Staff for EPA Region 8. It is also follow up to voice mail contact Nathaniel Miullo, Region 8's Clean Energy and Revitalization Advisor had with you on January 13, 2010.

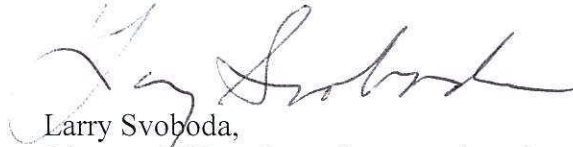
The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.

EPA's responsibilities and authority during the planning process for Federal actions are designated under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of all projects for which an Environmental Impact Statement (EIS) is prepared. EPA may also review Environmental Assessments (EAs) or Categorical Exclusions.

EPA also devotes resources to preparing scoping comments regarding issues that we believe should be considered during preparation of an EIS, or occasionally EAs. EPA's involvement in the NEPA process typically begins with the publication of a Notice of Intent (NOI) to prepare an EIS or EA in the Federal Register. Our communications, during scoping and subsequent document preparation stages, are conducted directly with the Federal Agency responsible for the NEPA document once the EIS and/or EA preparation phase of the project has been initiated.

The information included in and attached to your January 8, 2010, letter is not enough for us to determine whether or not any review will or will not be necessitated by EPA. If there is an EA or EIS initiated, EPA Region 8's NEPA Compliance and Review Program will evaluate whether or not any further action is required. Thank you for the early notice on this renewable energy project and should a Federal Agency have any questions, they may contact us during the EA/EIS preparation phase.

Sincerely



Larry Svoboda,  
Director, NEPA Compliance and Review Program  
Office of Ecosystem Protection and Remediation





TETRA TECH EC, INC.

January 8, 2010

Mr. Jeffrey Towner  
Field Supervisor  
U.S. Fish and Wildlife Service  
North Dakota Field Office  
3425 Miriam Avenue  
Bismarck, ND 58501-7926

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Towner:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the U.S. Fish and Wildlife Service to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

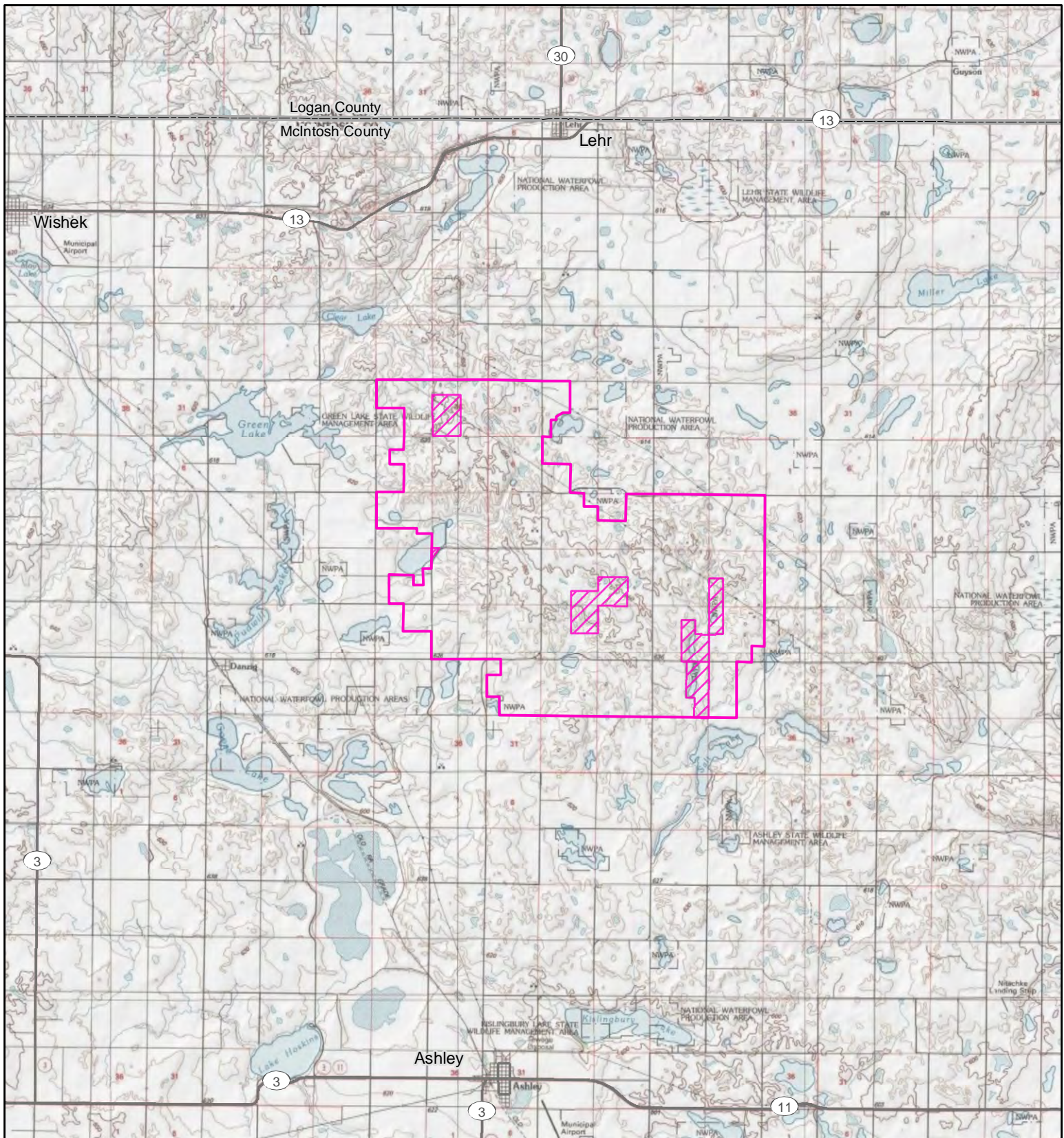
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

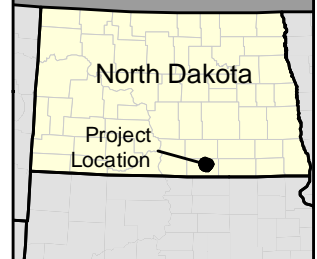
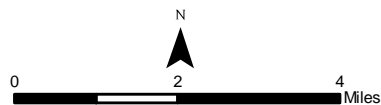
Attachment



**Project Area Map**

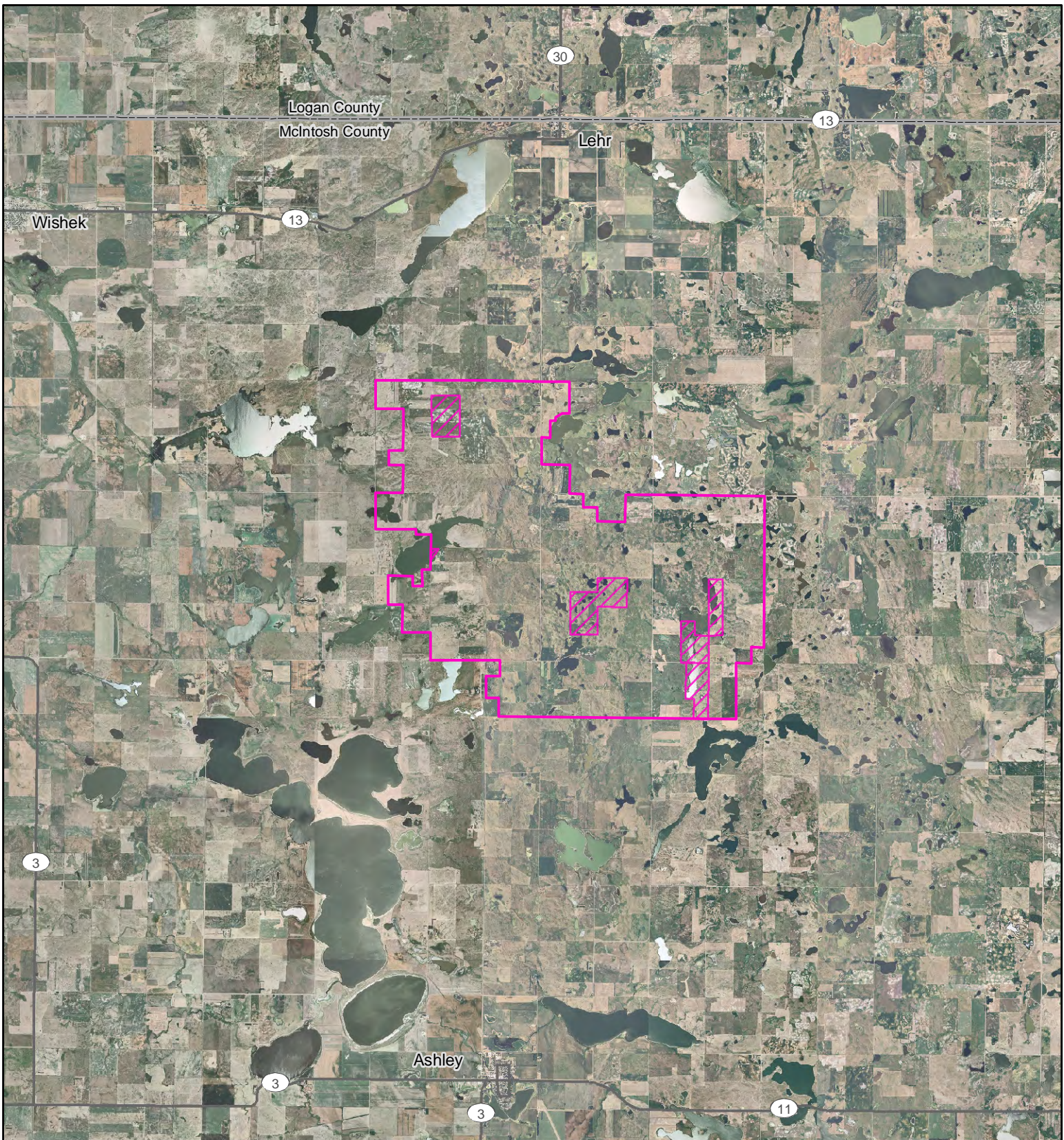
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area





Source: USGS 24k Quads, 1985.

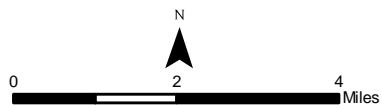
Scale 1:150,000



Project Area Map

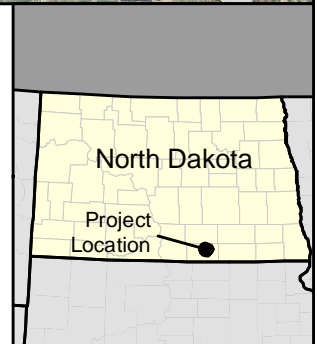
Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Attorney General Wayne Stenehjem  
State of North Dakota, Office of Attorney General  
State Capitol  
600 E. Boulevard Ave.  
Dept. 125  
Bismarck, ND 58505

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Attorney General Stenehjem:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the Office of Attorney General to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

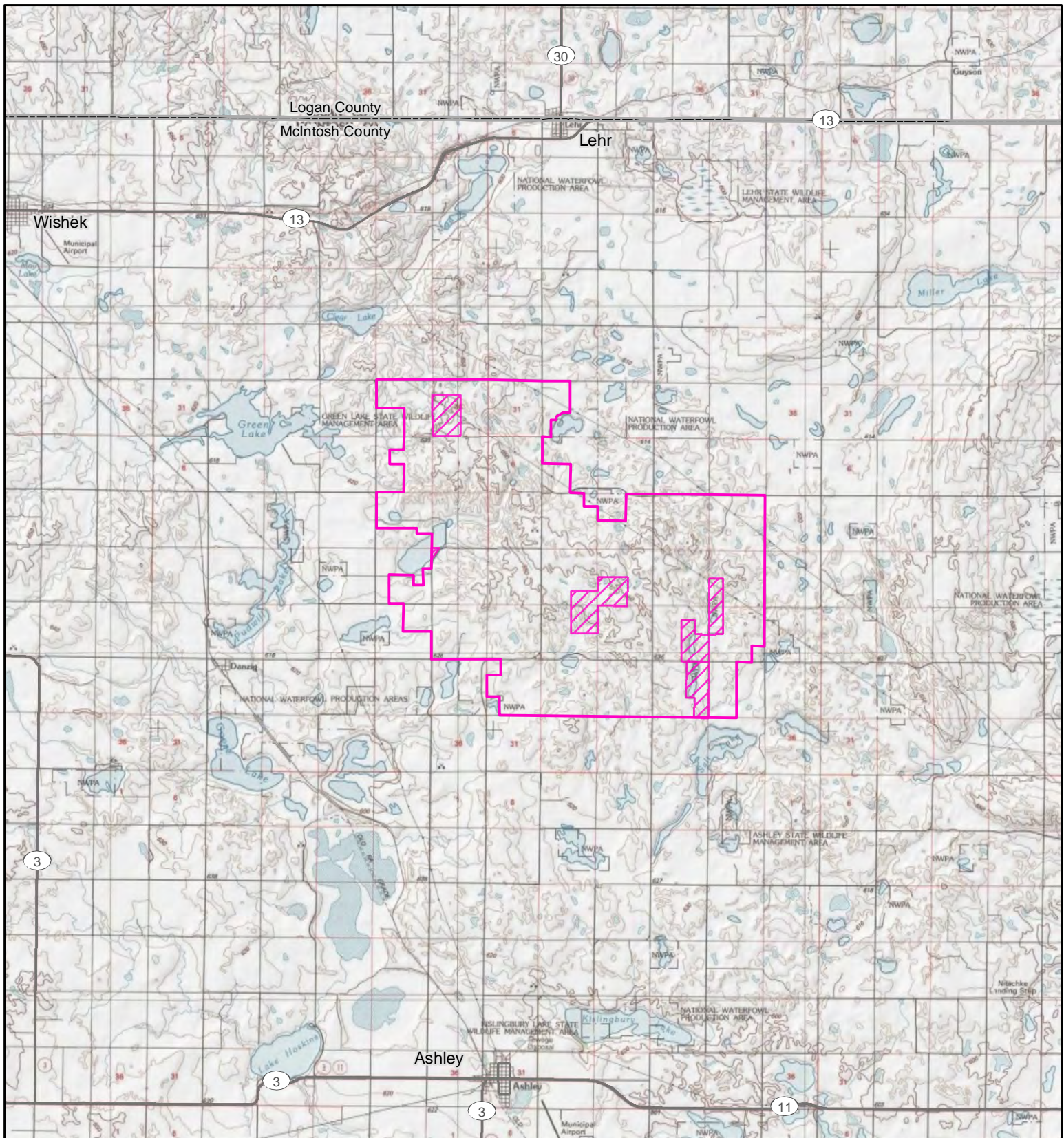
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

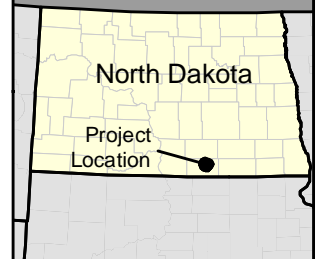
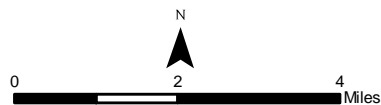
Attachment



Project Area Map

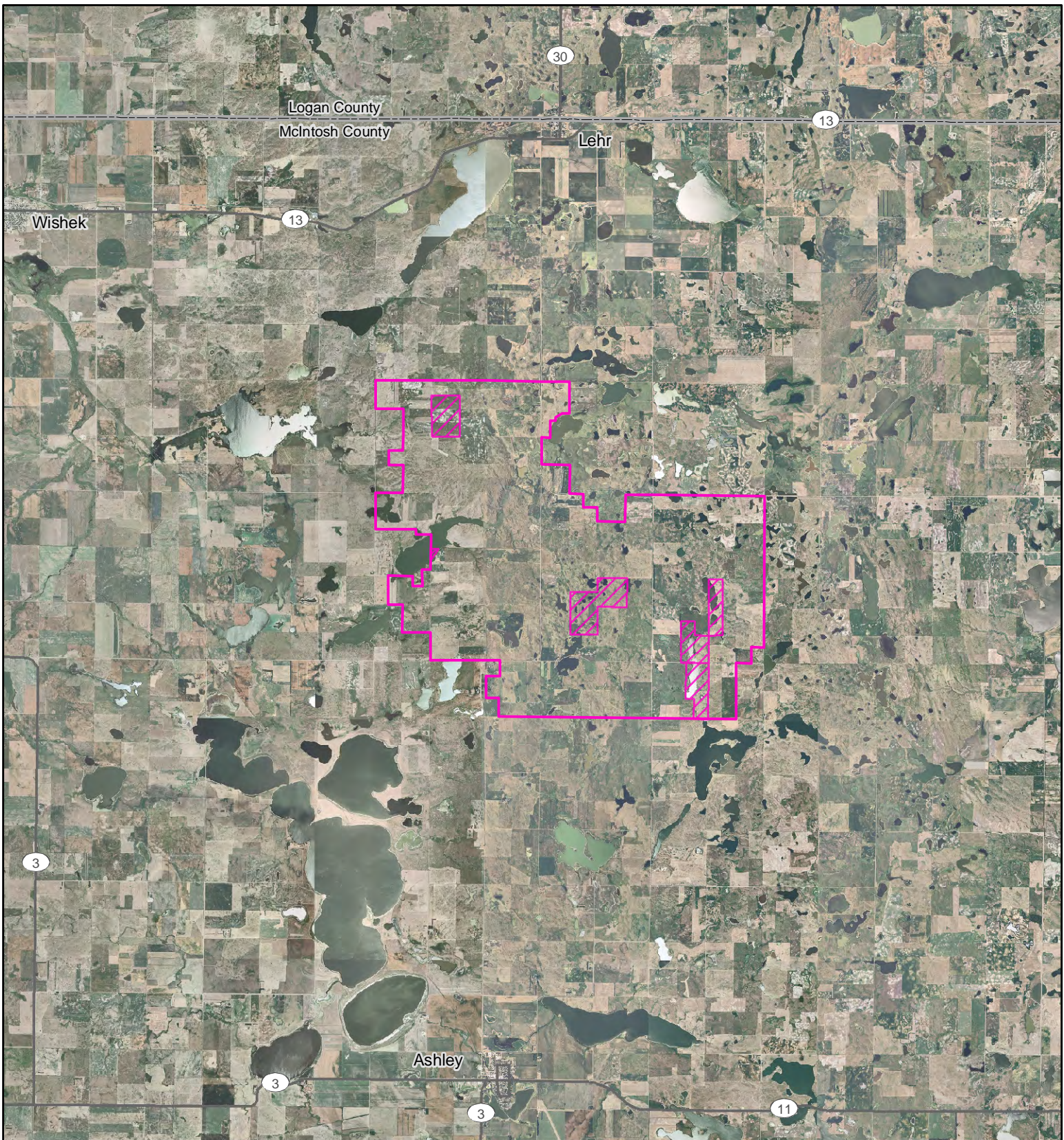
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area





Source: USGS 24k Quads, 1985.

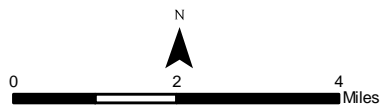
Scale 1:150,000



Project Area Map

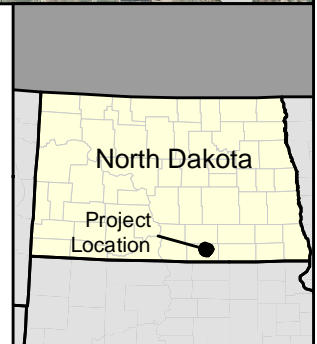
Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

STATE CAPITOL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK, ND 58505-0040  
(701) 328-2210 FAX (701) 328-2226  
www.ag.state.nd.us

January 25, 2010

Erika Roberts  
Tetra Tech  
133 Federal Street  
6<sup>th</sup> Floor  
Boston MA 02110

Dear Ms. Roberts:

I am responding on behalf of the Attorney General to your recent letter requesting assistance from this office relating to the Ashley Wind Energy project in McIntosh county, ND.

You will note that N.D.A.C 69-06-01-05 provides only that this office is entitled to receive notice of your application. There is no requirement for this office to review your business proposal or inform you of any potential problems or issues. In fact, the Attorney General's office is prohibited by statute from providing legal assistance to private businesses or reviewing private legal matters. We may only serve as legal advisors to state officials, state's attorneys, and certain city officials. Please note the actual requirements of N.D.A.C 69-06-01-05 for future reference.

If your company has a legal department, those lawyers will be able to conduct research and identify any potential issues that may affect this project. If not, you should consult an attorney in private practice to ensure compliance with all state laws, regulations and local ordinances which may be relevant to this project.

Sincerely,

A handwritten signature in black ink that reads "Liz Broecker".

Liz Broecker  
Executive Assistant



TETRA TECH EC, INC.

January 8, 2010

Governor John Hoeven  
Office of Governor John Hoeven  
State of North Dakota  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0001

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Governor Hoeven:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the Office of the Governor to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

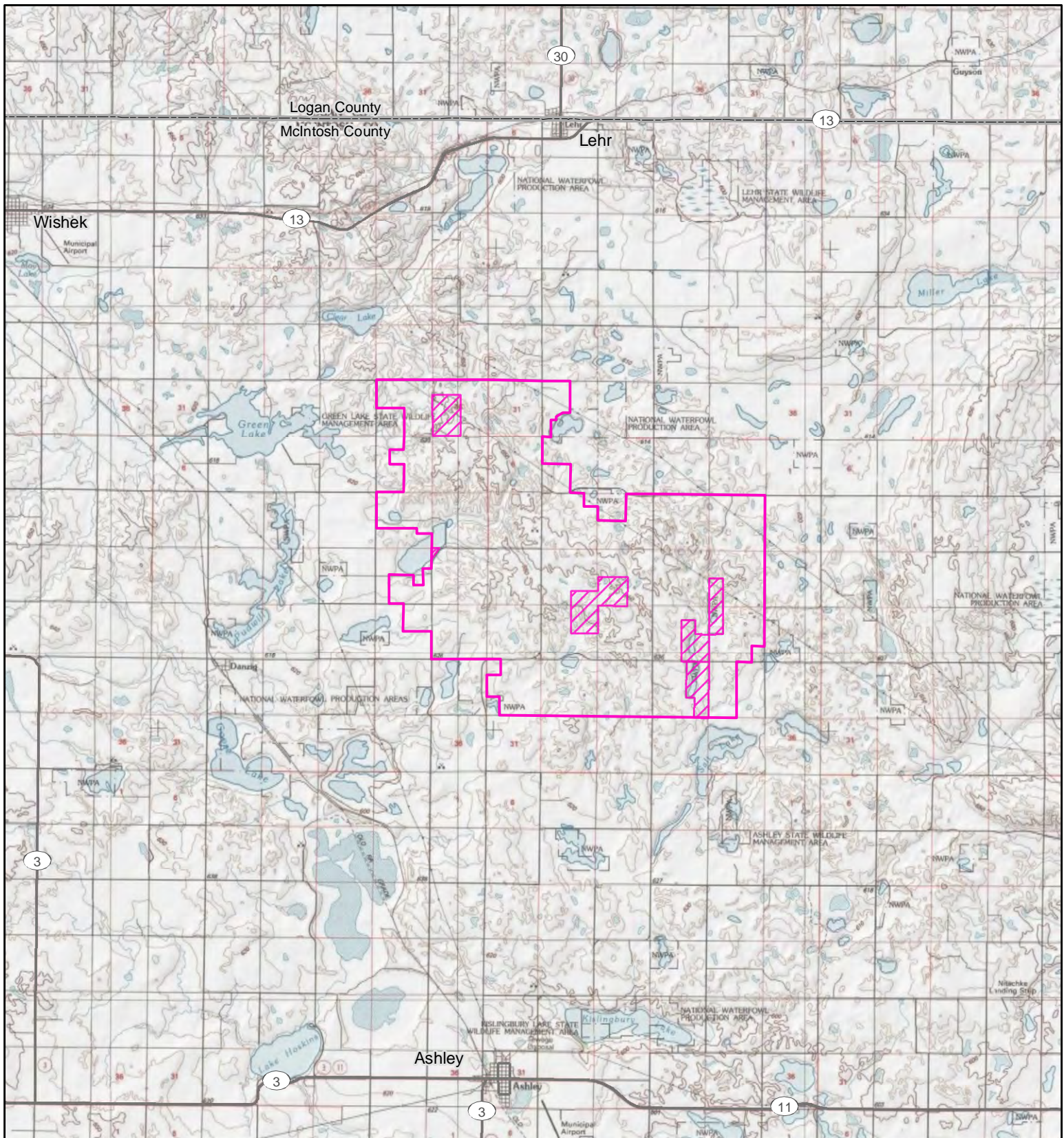
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

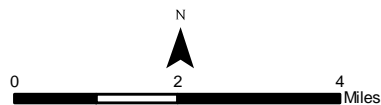
Attachment



**Project Area Map**

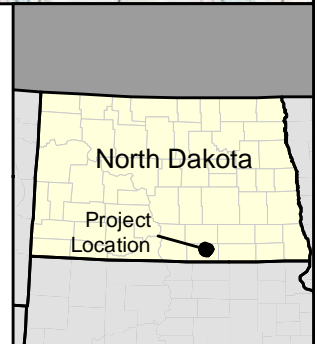
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

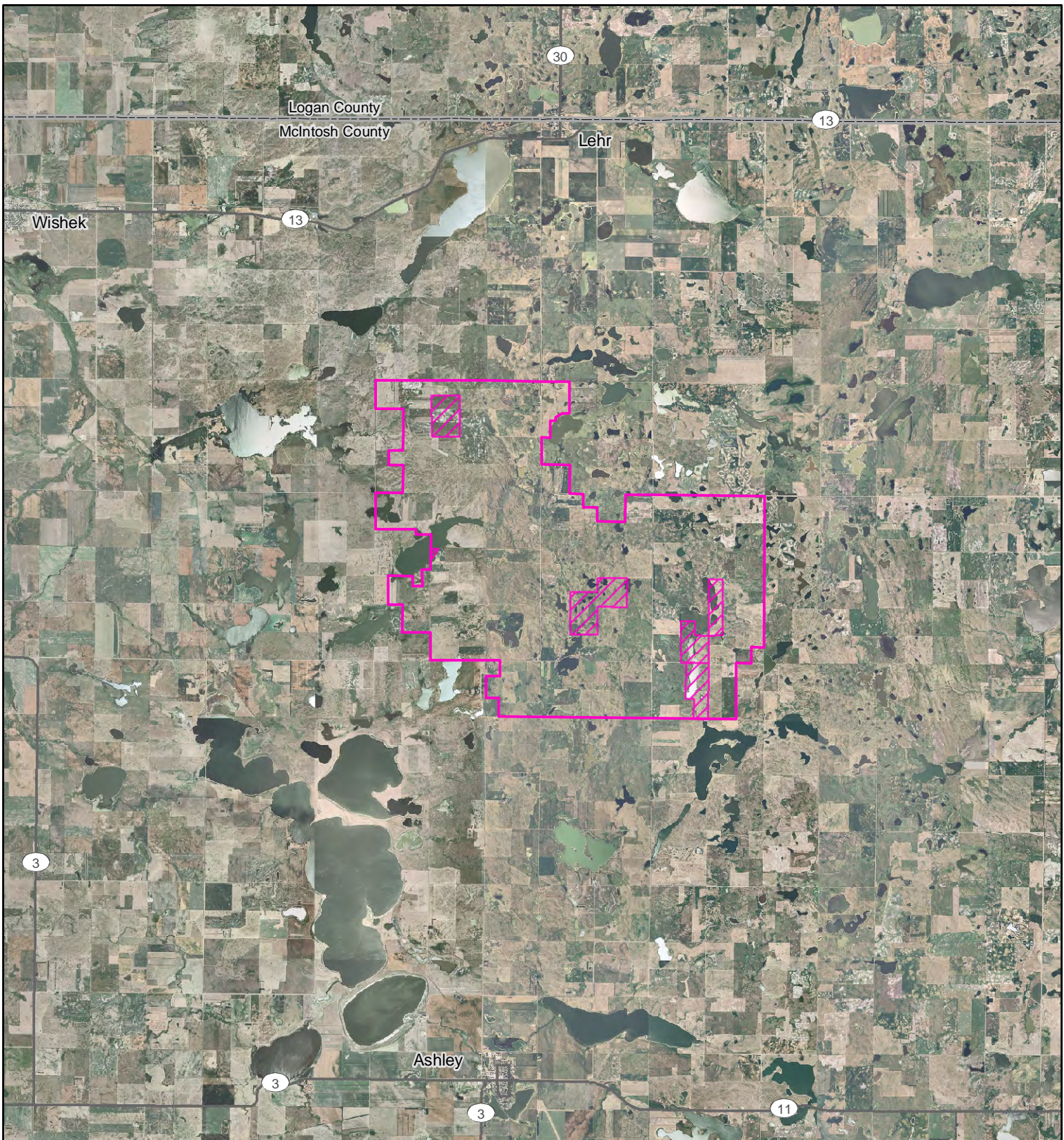
-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000





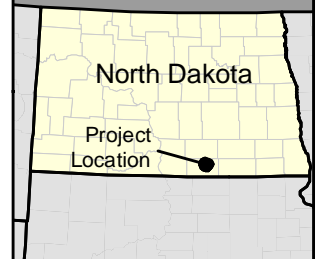
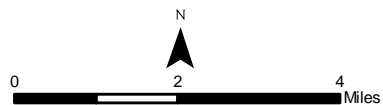


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Ms. Maren Daley, J.D.  
Executive Director  
Job Service North Dakota  
PO Box 5507  
Bismarck, ND 58506-5507

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. Daley:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting Job Service North Dakota to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

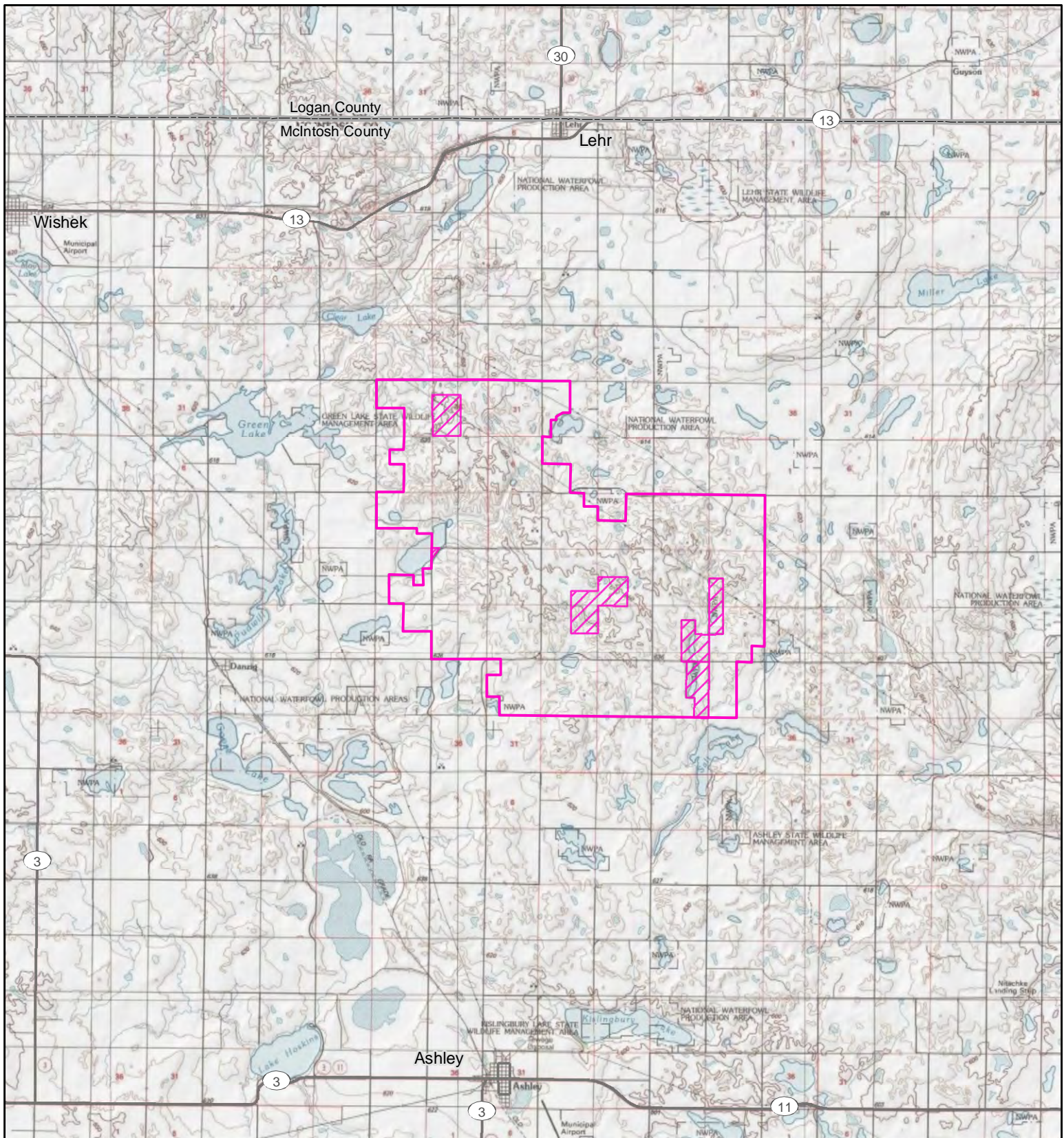
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

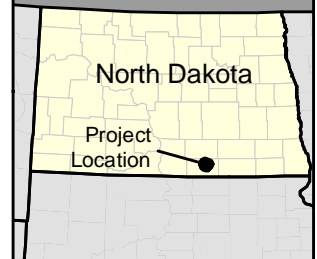
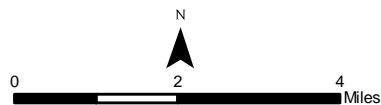
Attachment



**Project Area Map**

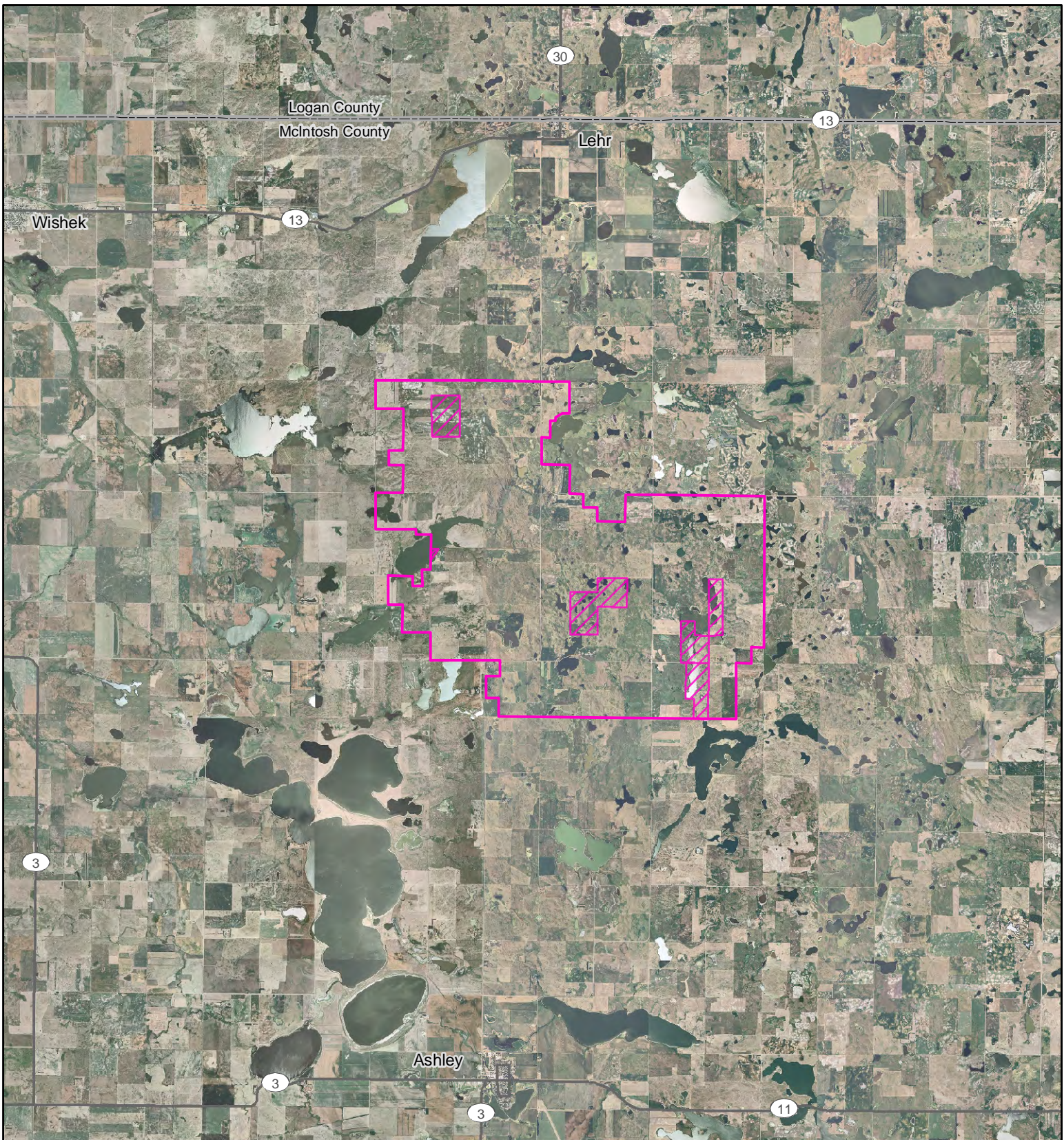
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

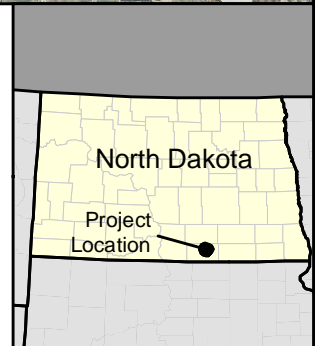
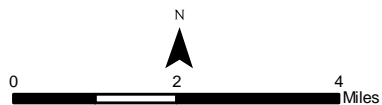


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



www.jobsnd.com

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

PO Box 5507 • Bismarck, ND 58506-5507

January 13, 2010

Ms. Erika J. Roberts  
Project Manager  
Tetra Tech EC, Inc..  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

RE: Ashley Wind Energy Project  
McIntosh County, North Dakota

Dear Ms. Roberts:

Job Service North Dakota administers the employment service and unemployment insurance programs.

We have no comments regarding the proposed project and have no applicable permits that are required from Job Service North Dakota.

Sincerely,

A handwritten signature in blue ink that reads "Maren Daley".

Maren L. Daley  
Executive Director



TETRA TECH EC, INC.

January 8, 2010

Mr. Mark Holzer  
Aviation Planner  
North Dakota Aeronautics Commission  
P.O. Box 5020  
Bismarck, ND 58502

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Holzer:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Aeronautics Commission to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



133 Federal Street, 6th Floor, Boston, MA 02110  
Tel 617.457.8200 Fax 617.457.8498/8499  
[www.tteci.com](http://www.tteci.com)

The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

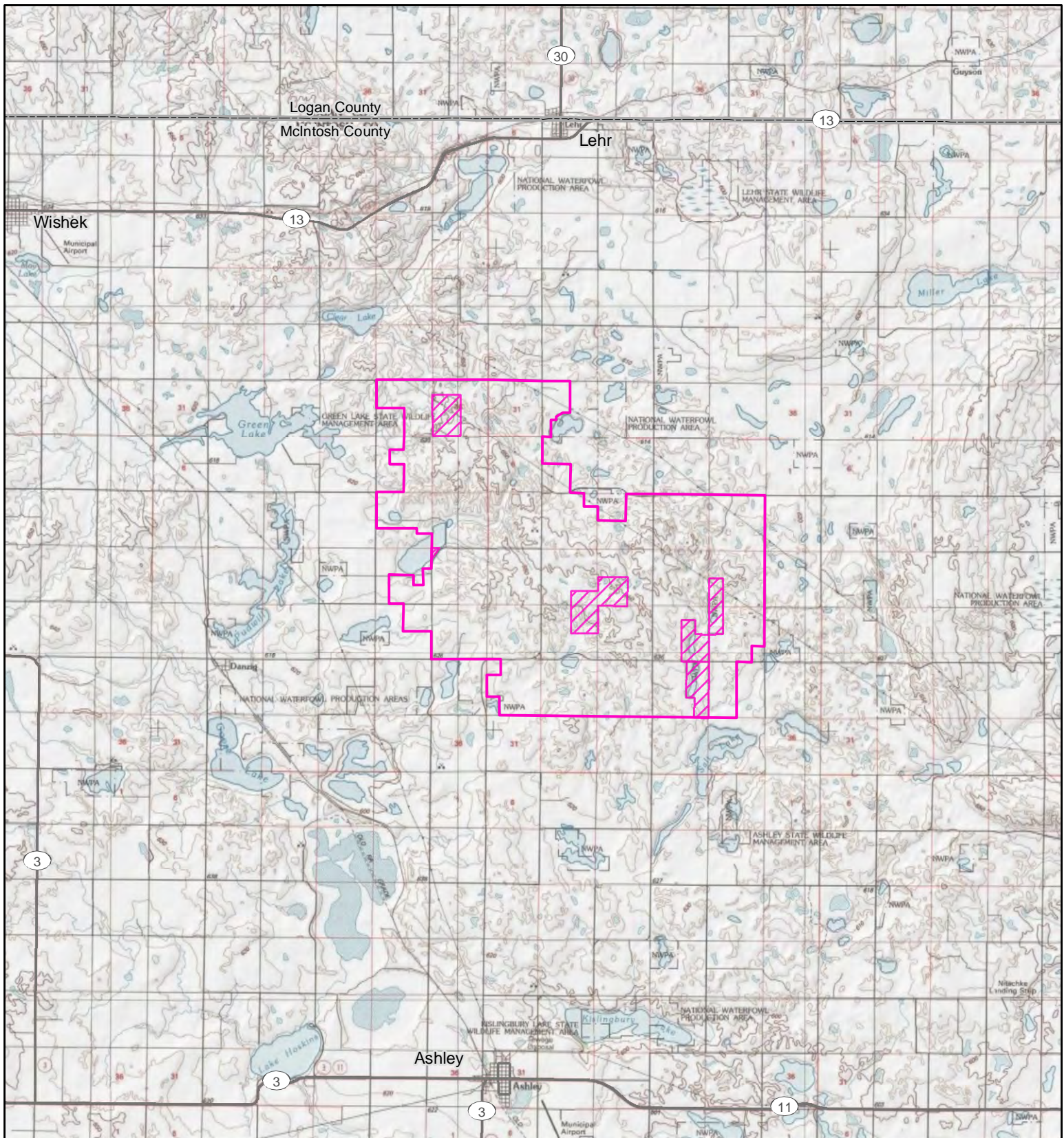
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

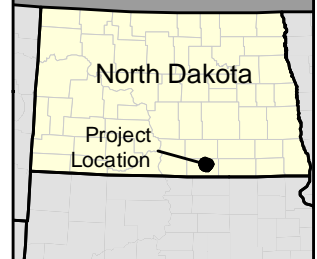
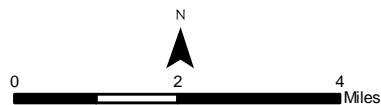
Attachment



Project Area Map

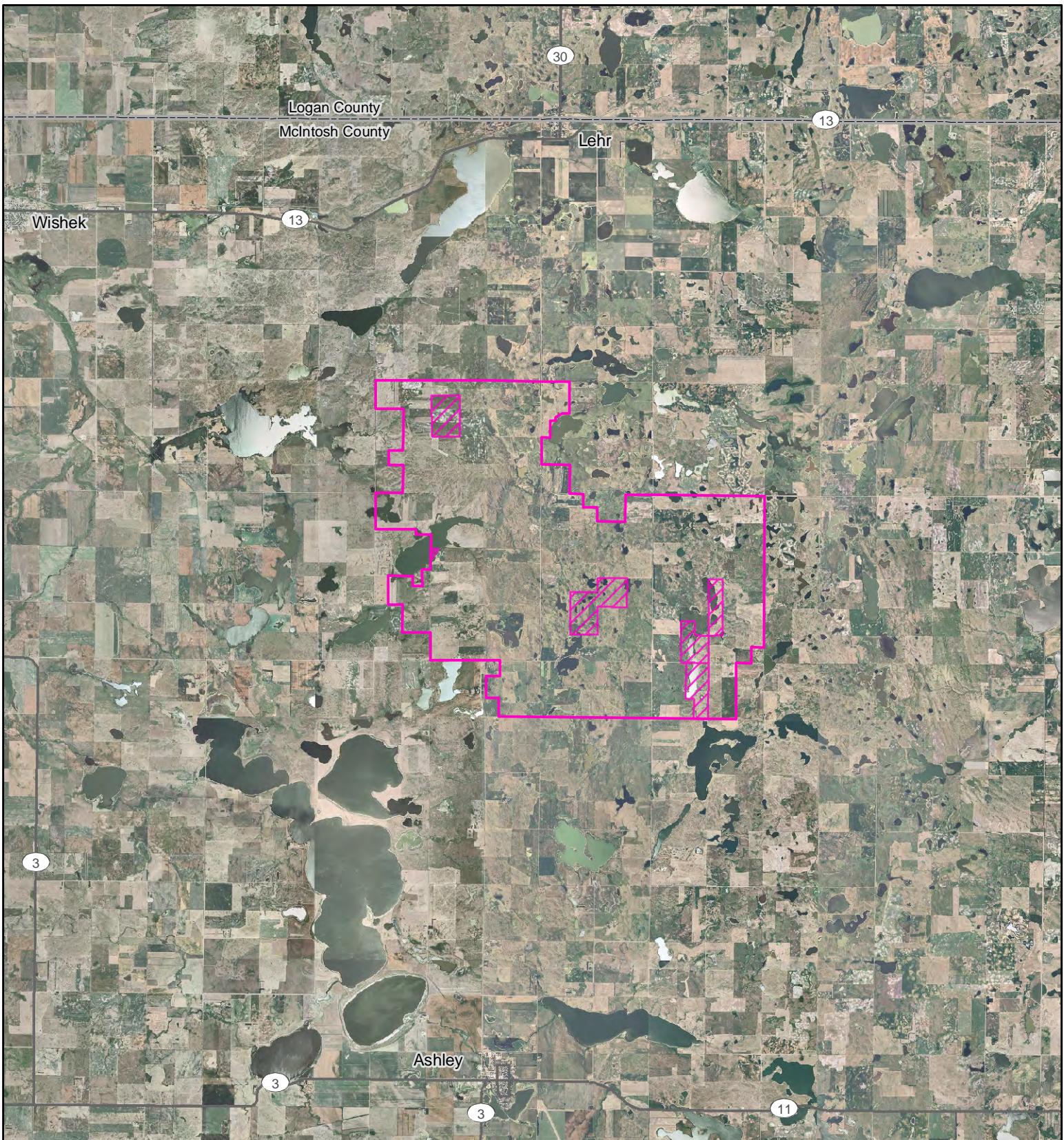
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

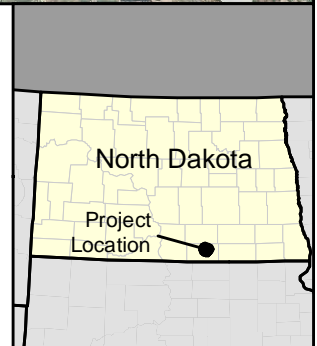
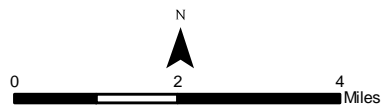


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. Doug Goehring  
Agriculture Commissioner  
North Dakota Department of Agriculture  
600 E. Boulevard Ave., Dept. 602  
Bismarck, ND 58505

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Goehring:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Agriculture to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



133 Federal Street, 6th Floor, Boston, MA 02110  
Tel 617.457.8200 Fax 617.457.8498/8499  
[www.tteci.com](http://www.tteci.com)

The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

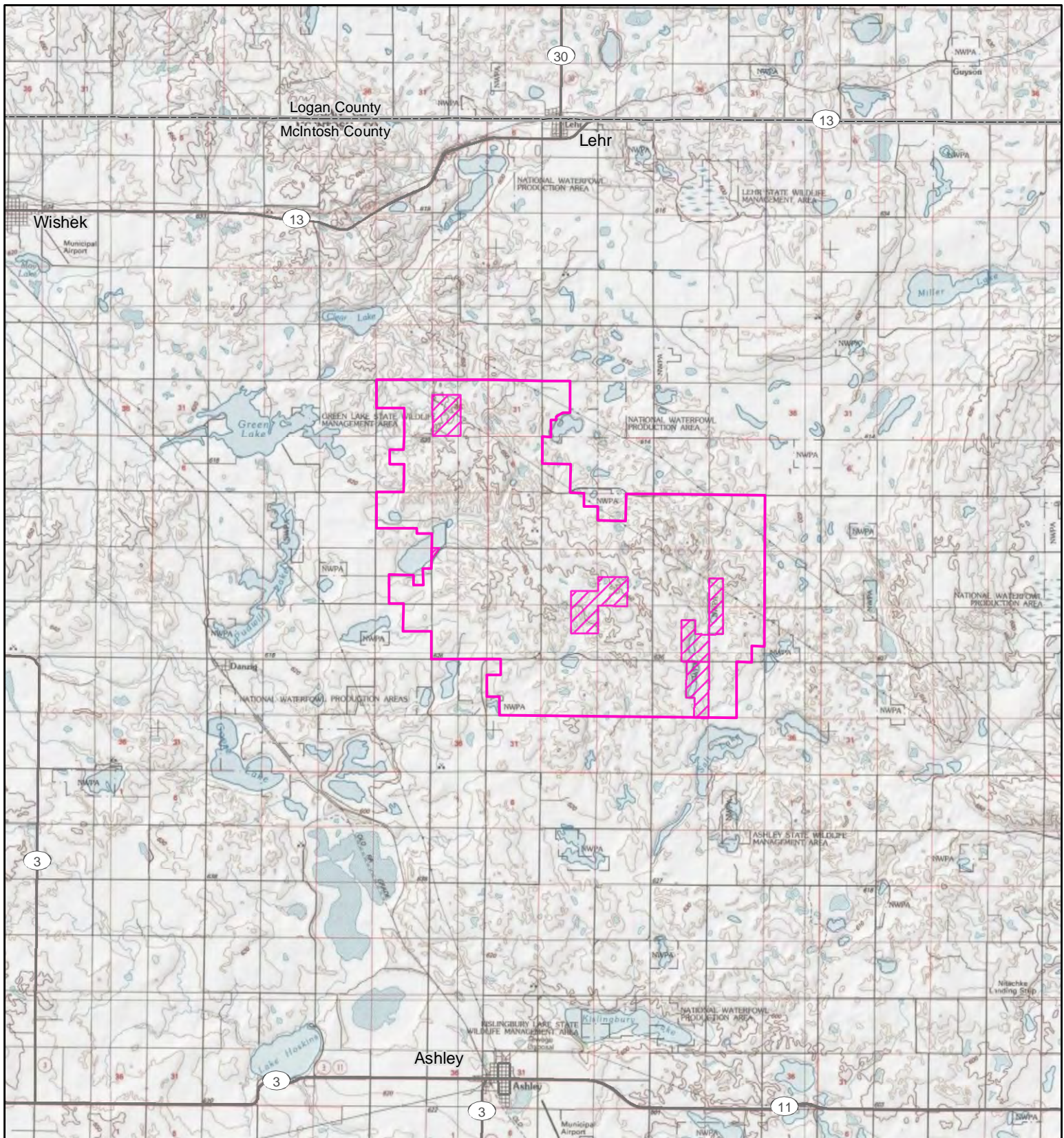
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

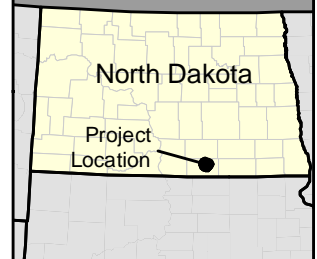
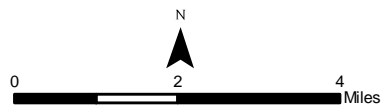
Attachment



Project Area Map

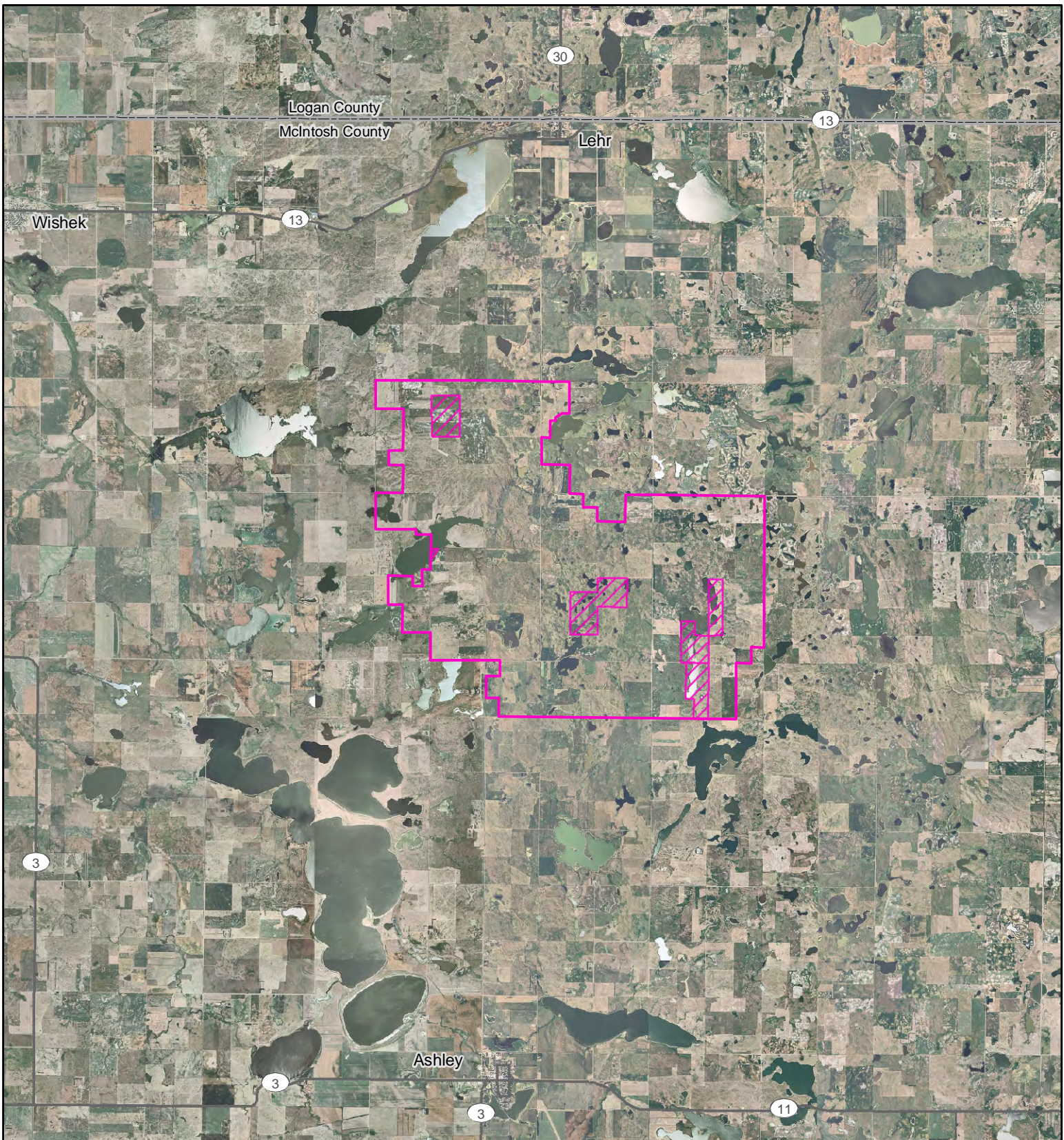
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

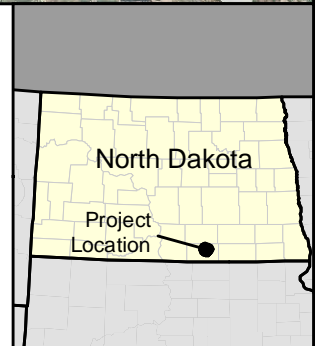
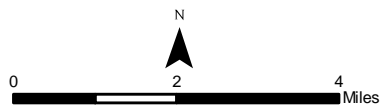


Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. Wayne Kutzer  
Director and Executive Officer  
North Dakota Department of Career and Technical Education  
State Capitol 15th Floor  
600 E. Boulevard Ave., Dept. 270  
Bismarck, North Dakota 58505-0610

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Kutzer:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Career and Technical Education to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

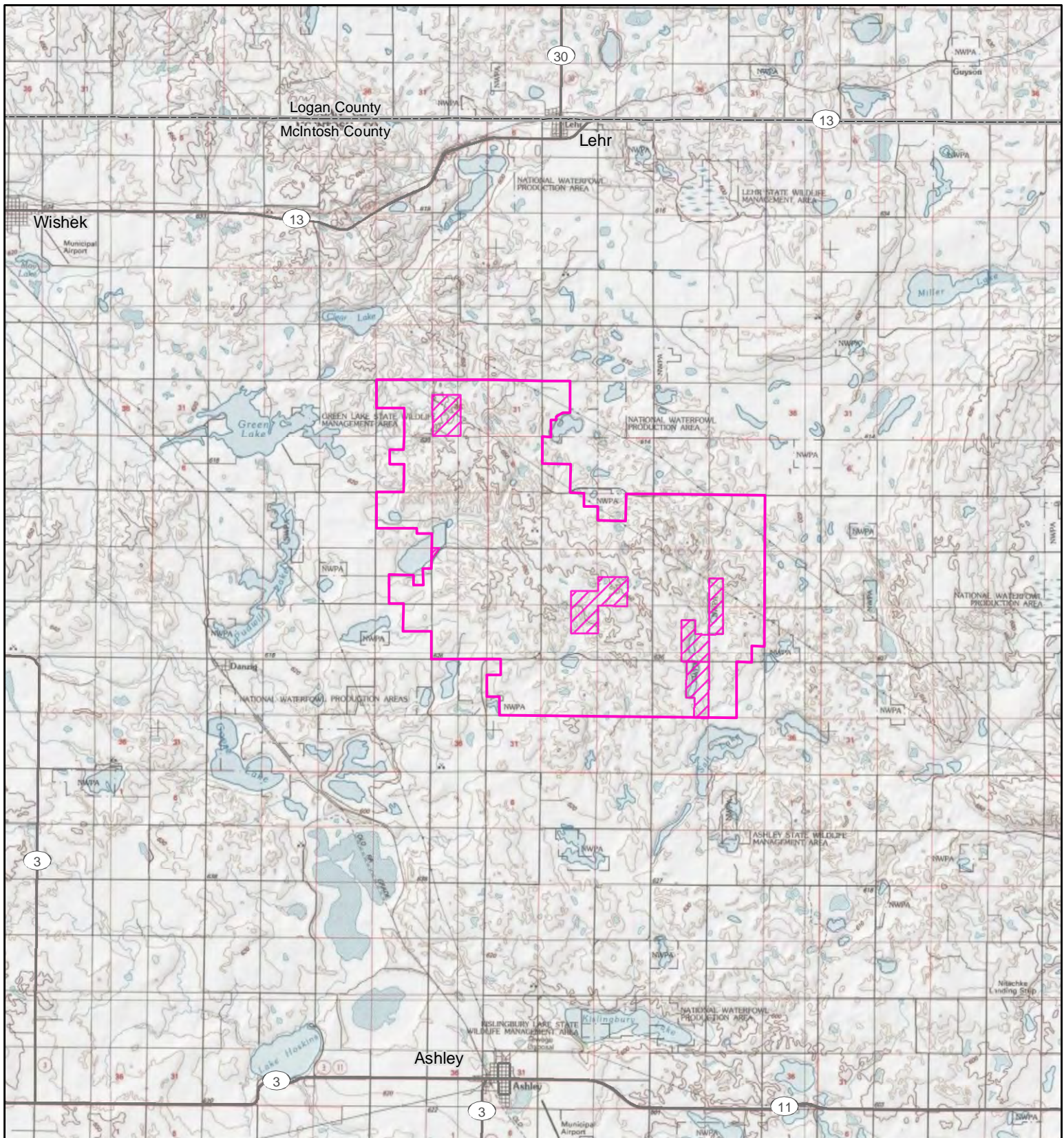
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

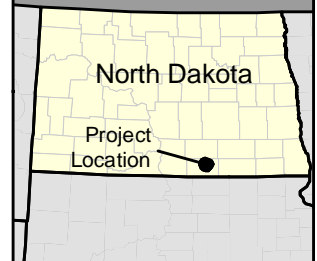
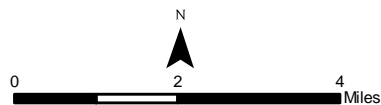
Attachment



Project Area Map

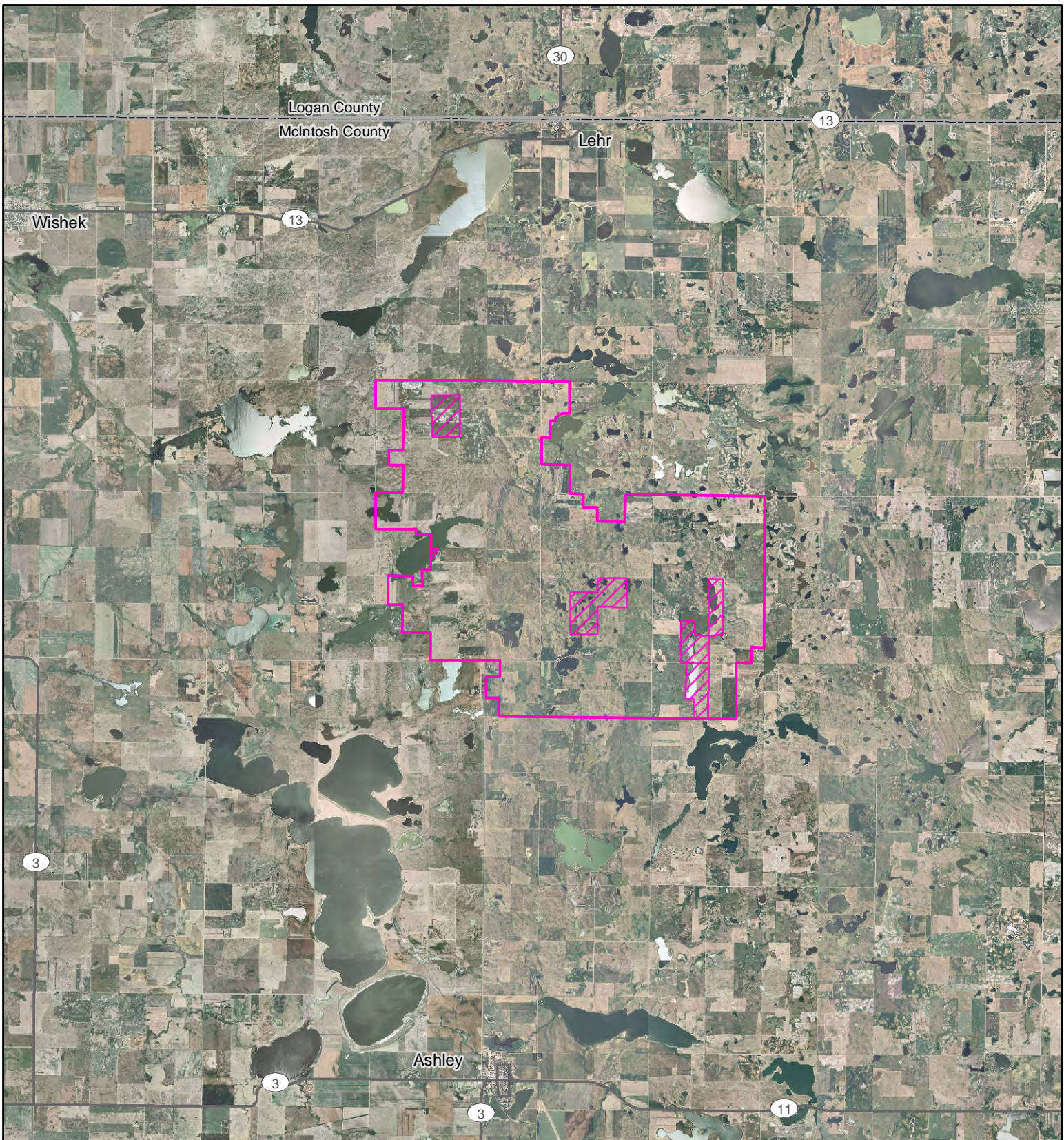
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

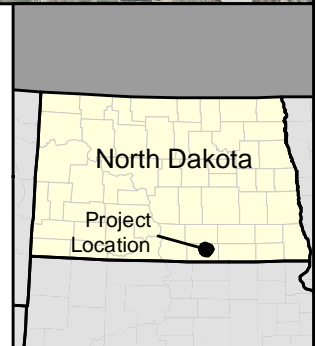
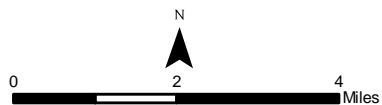


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. Paul Govig  
Director  
North Dakota Department of Commerce  
Division of Community Services  
1600 E. Century Ave., Suite 2  
PO Box 2057  
Bismarck, ND 58502-2057

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Govig:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Commerce, Division of Community Services to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

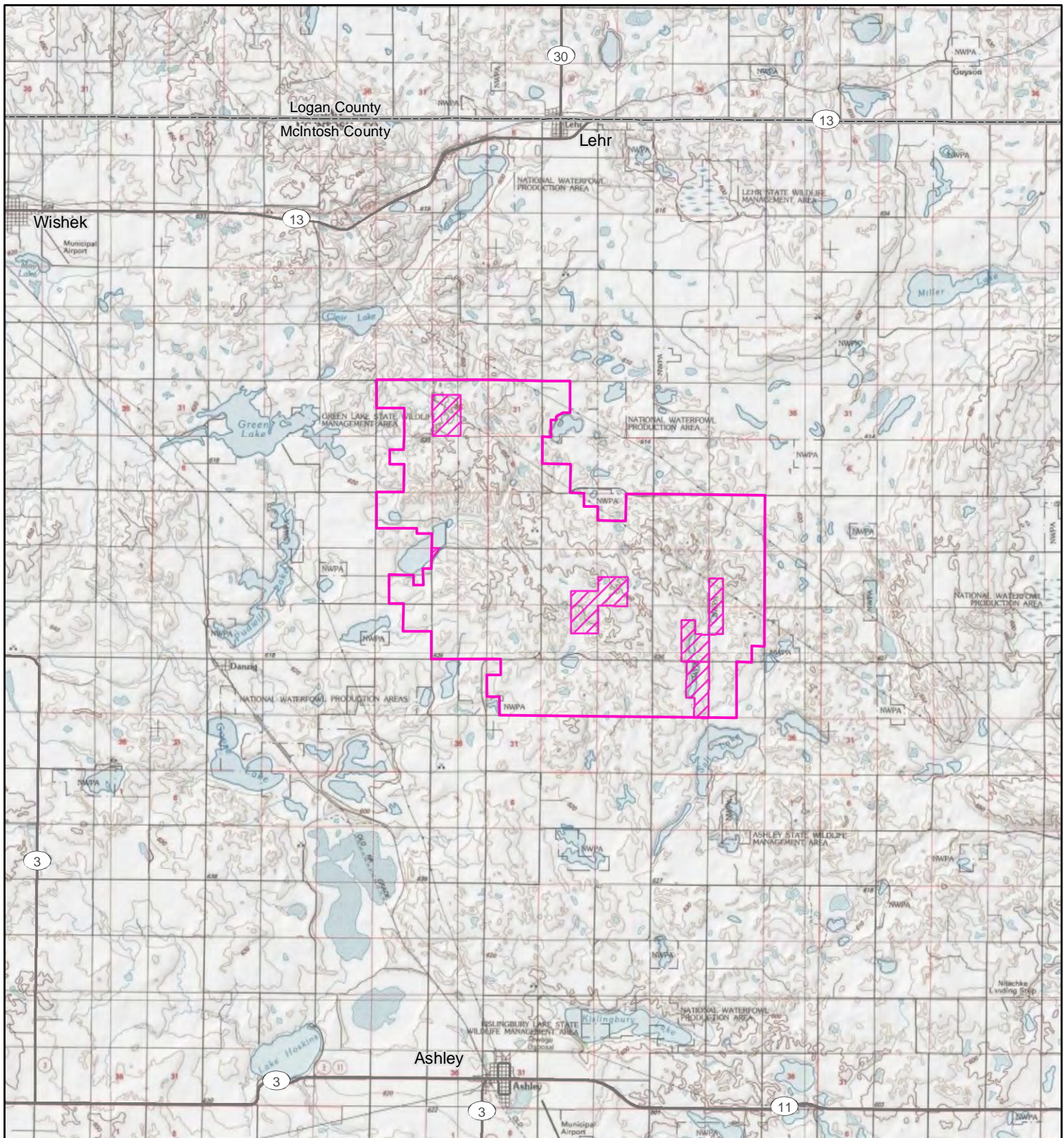
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

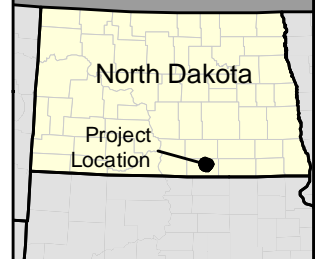
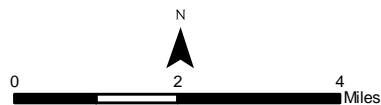
Attachment



Project Area Map

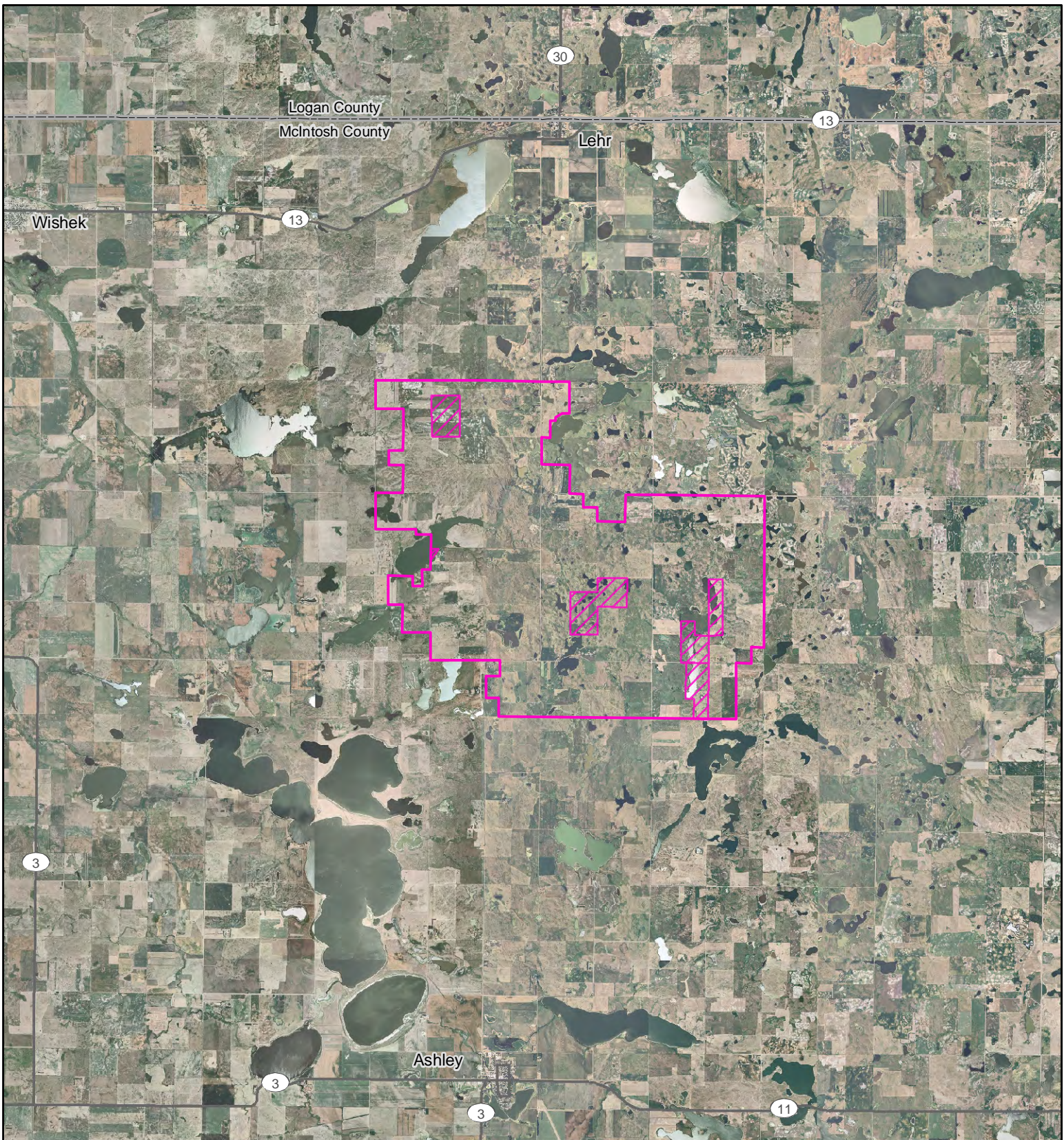
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

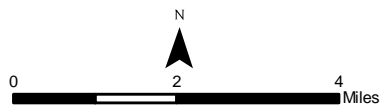


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

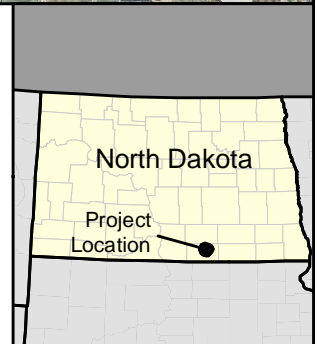


-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Paul Lucy  
Director  
North Dakota Department of Commerce  
Economic Development & Finance Division  
P.O. Box 2057  
Bismarck, North Dakota 58502-2057

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Lucy:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Commerce, Economic Development & Finance Division to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

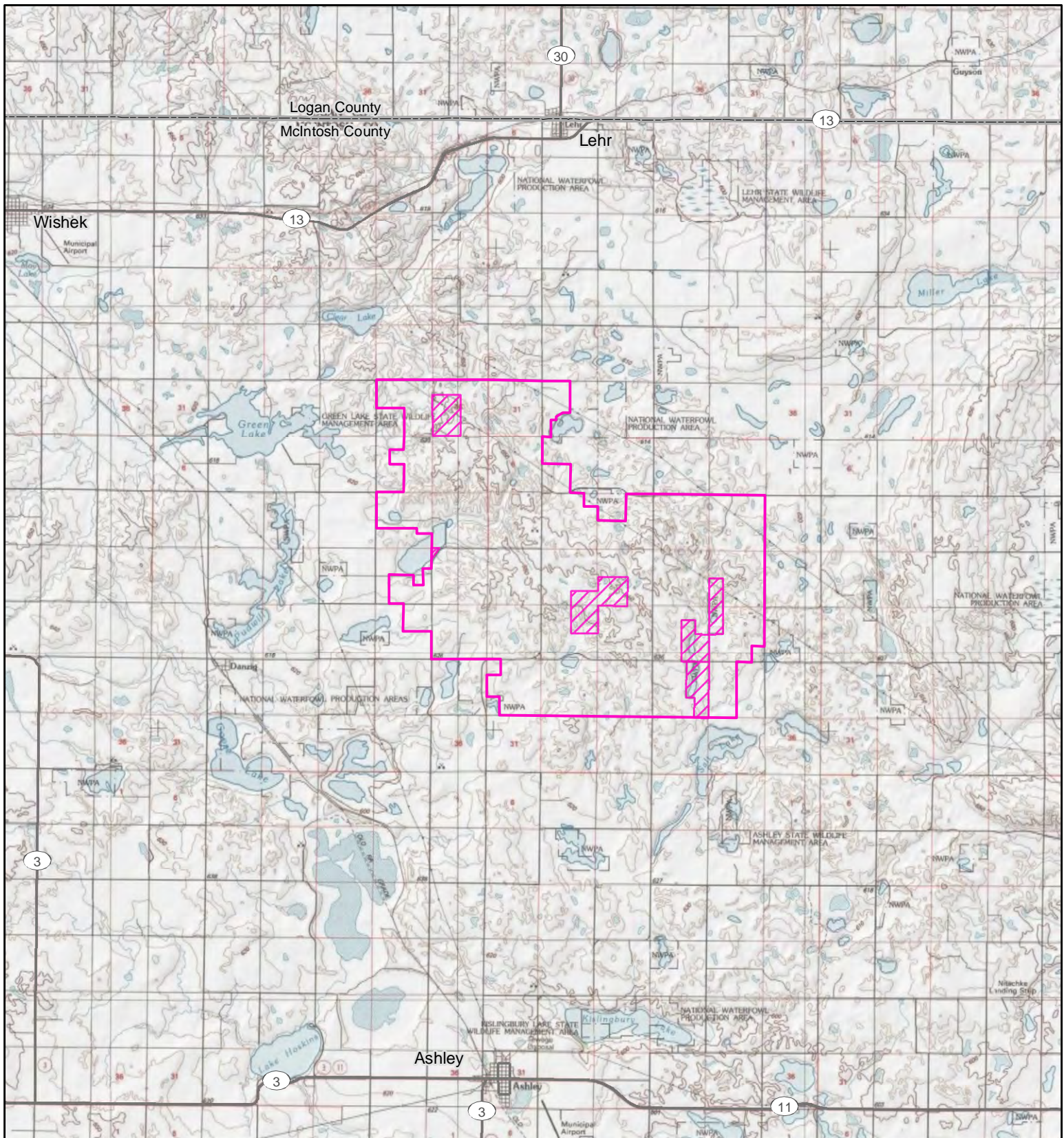
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

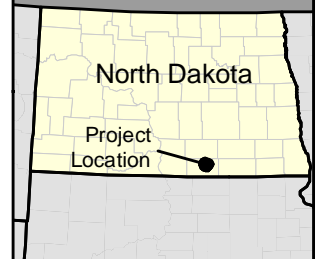
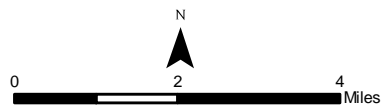
Attachment



Project Area Map

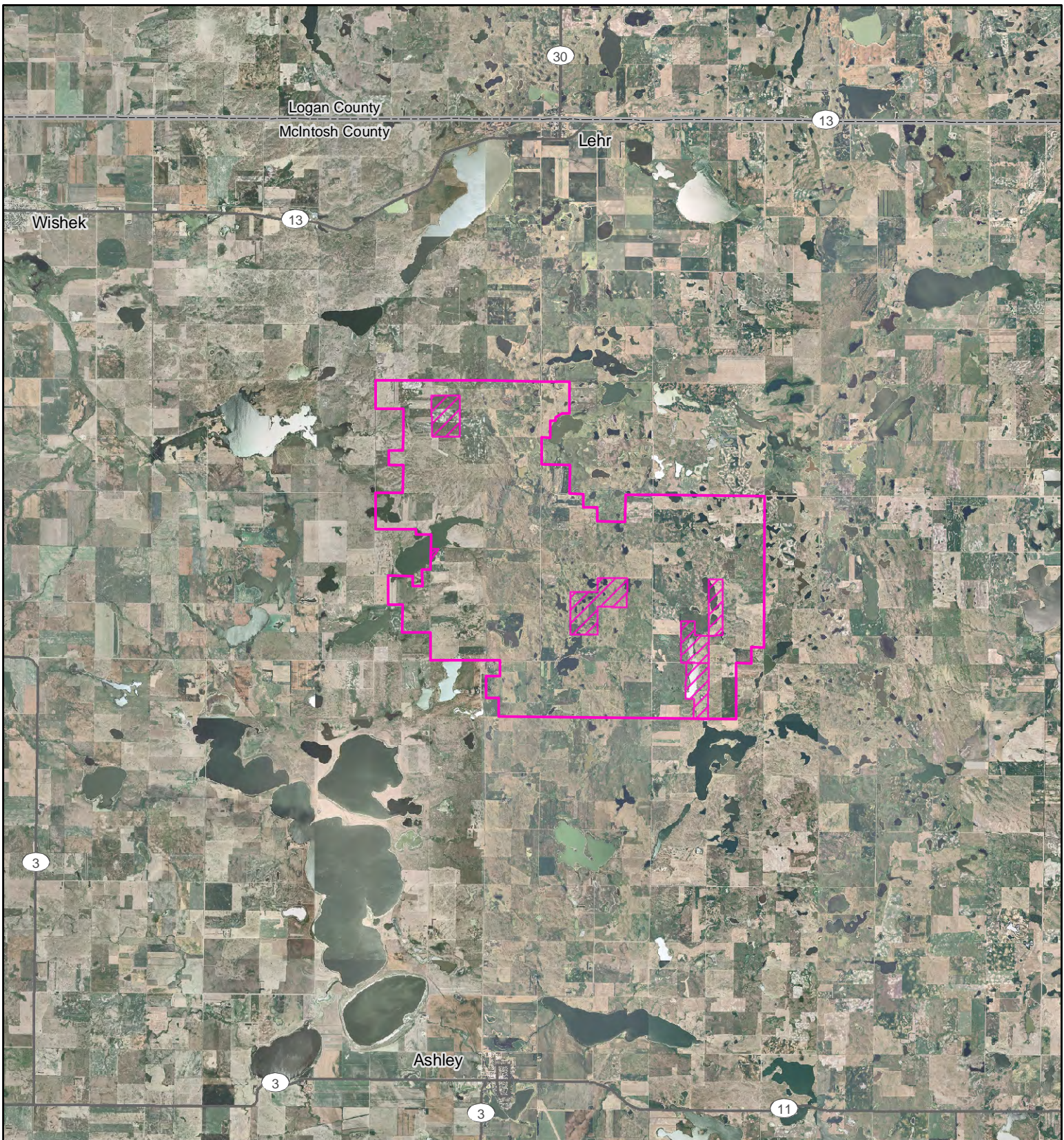
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area





Source: USGS 24k Quads, 1985.

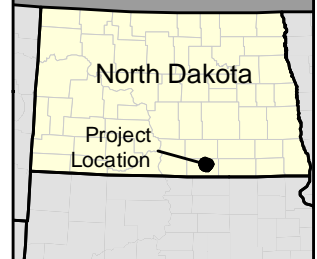
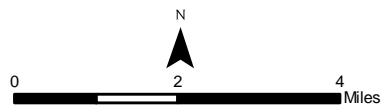
Scale 1:150,000



Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Dr. Terry Dwelle, M.D., M.P.H.T.M.  
State Health Officer  
North Dakota Department of Health  
600 E. Boulevard Ave.  
Bismarck, North Dakota 58505-0200

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Dr. Dwelle:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Health to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

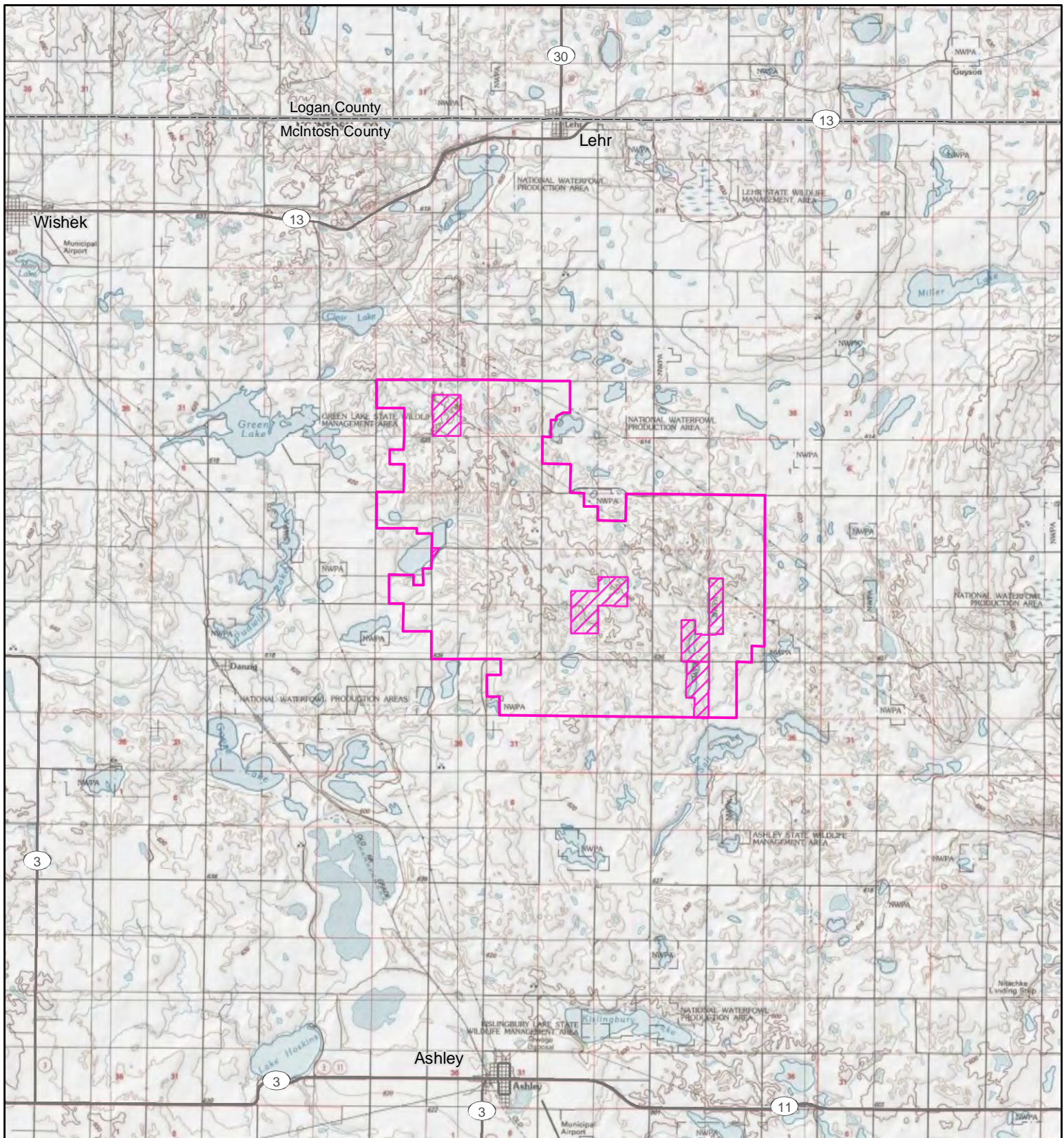
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

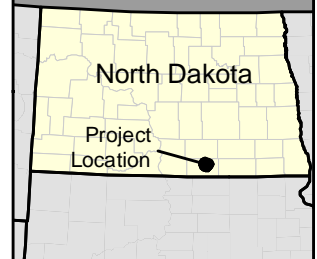
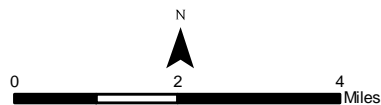
Attachment



**Project Area Map**

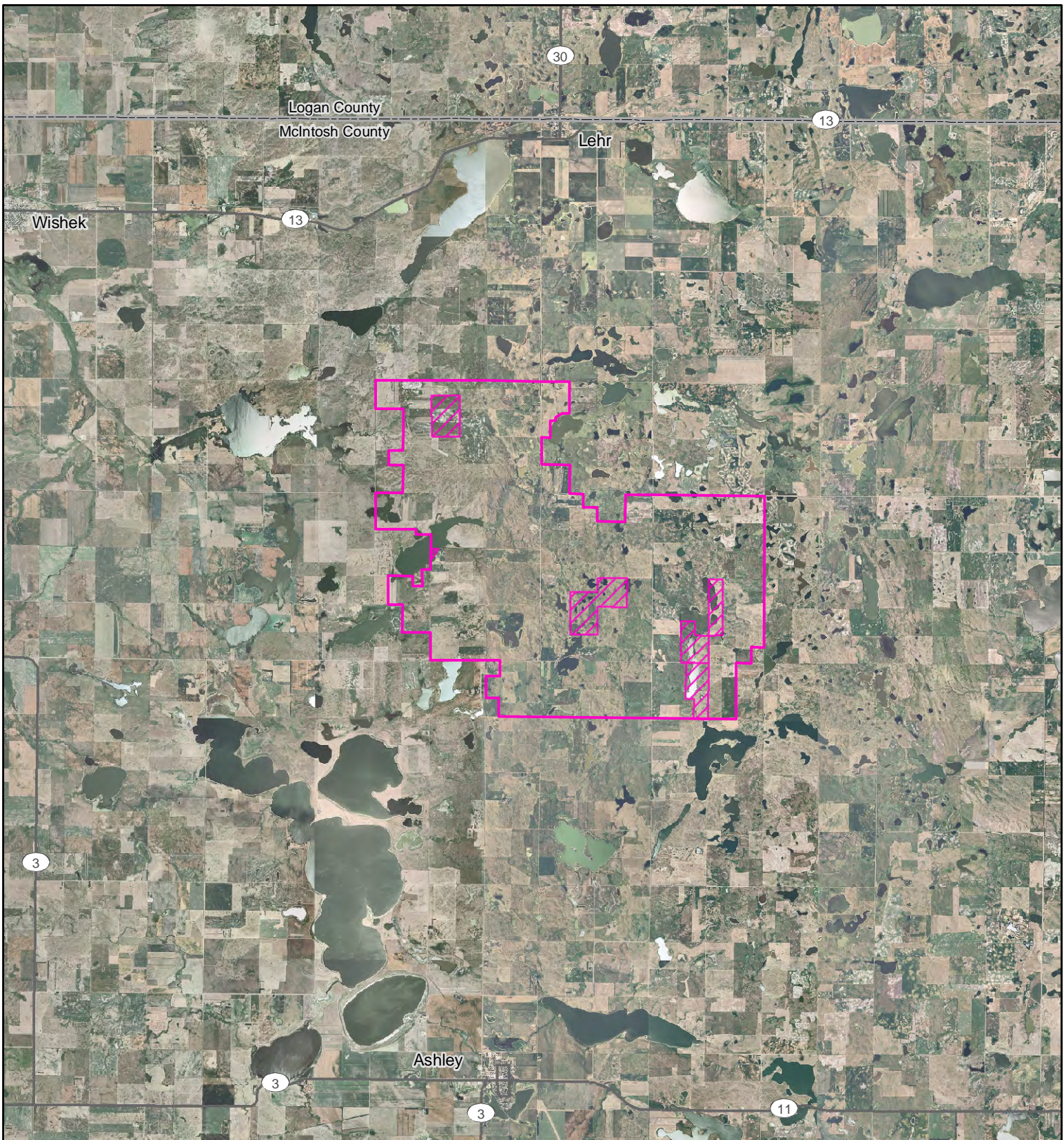
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

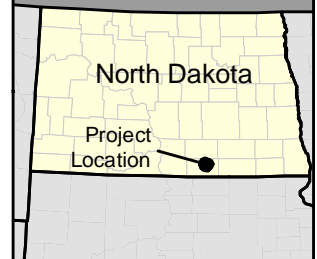
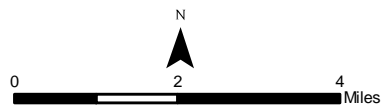


Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



January 26, 2010

Ms. Erika J. Roberts  
Tetra Tech EC, Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Re: Ashley Wind Energy Project, McIntosh County, North Dakota

Dear Ms. Roberts:

This department has reviewed the information concerning the above-referenced project submitted under date of January 8, 2010, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is

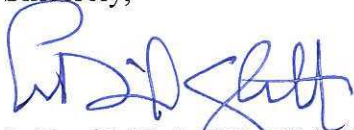
equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. David Glatt". The signature is stylized and cursive.

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.



TETRA TECH EC, INC.

January 8, 2010

Ms. Carol Olson  
Executive Director  
North Dakota Department of Human Services  
600 E. Boulevard Ave., Dept. 325  
Bismarck, North Dakota 58505-0250

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. Olson:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Human Services to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



133 Federal Street, 6th Floor, Boston, MA 02110  
Tel 617.457.8200 Fax 617.457.8498/8499  
[www.tteci.com](http://www.tteci.com)

The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

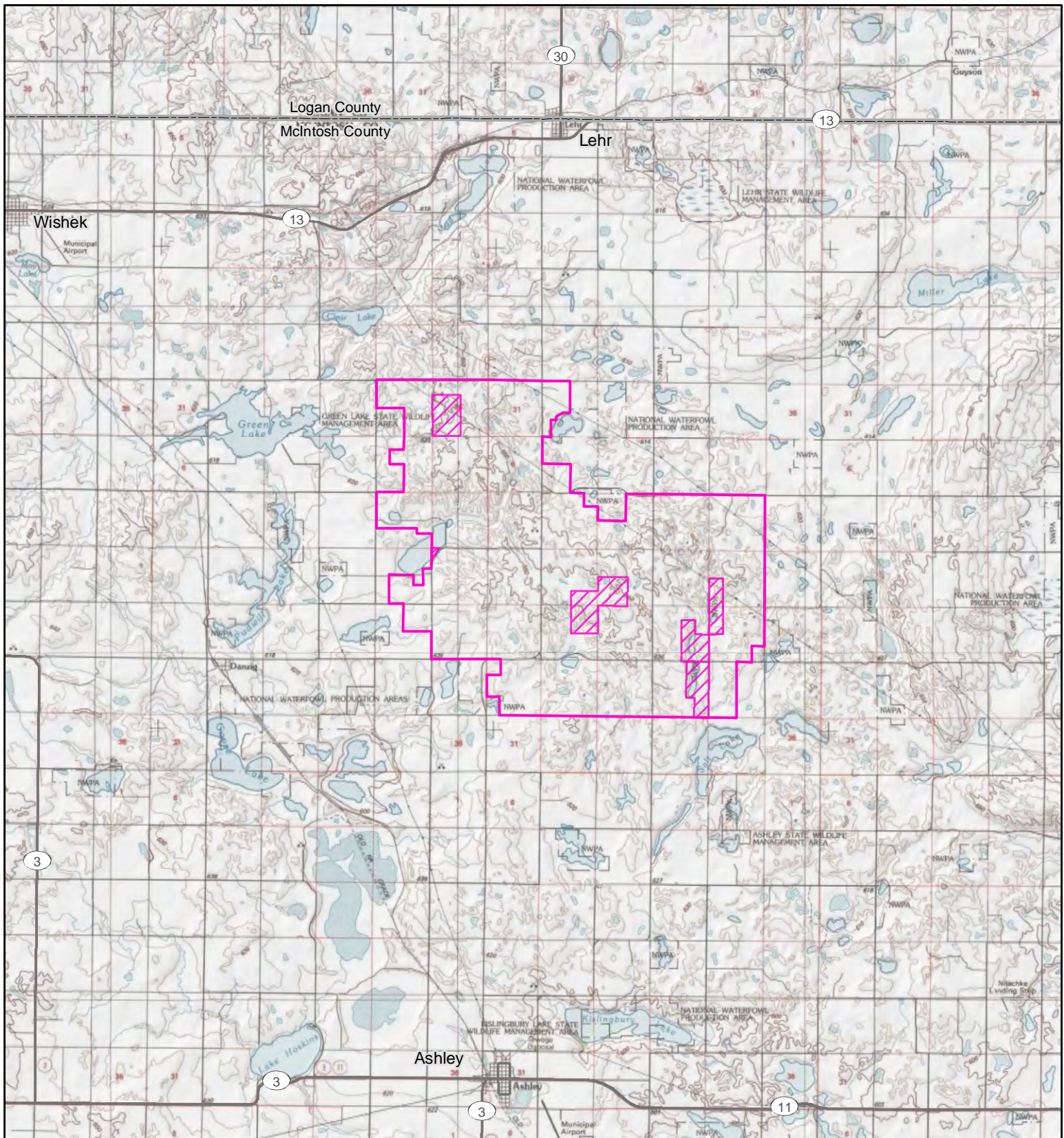
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

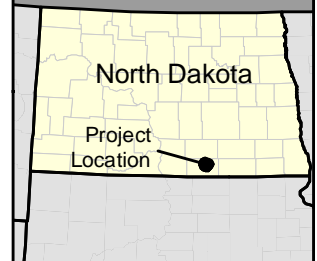
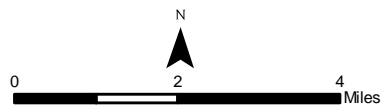
Attachment



Project Area Map

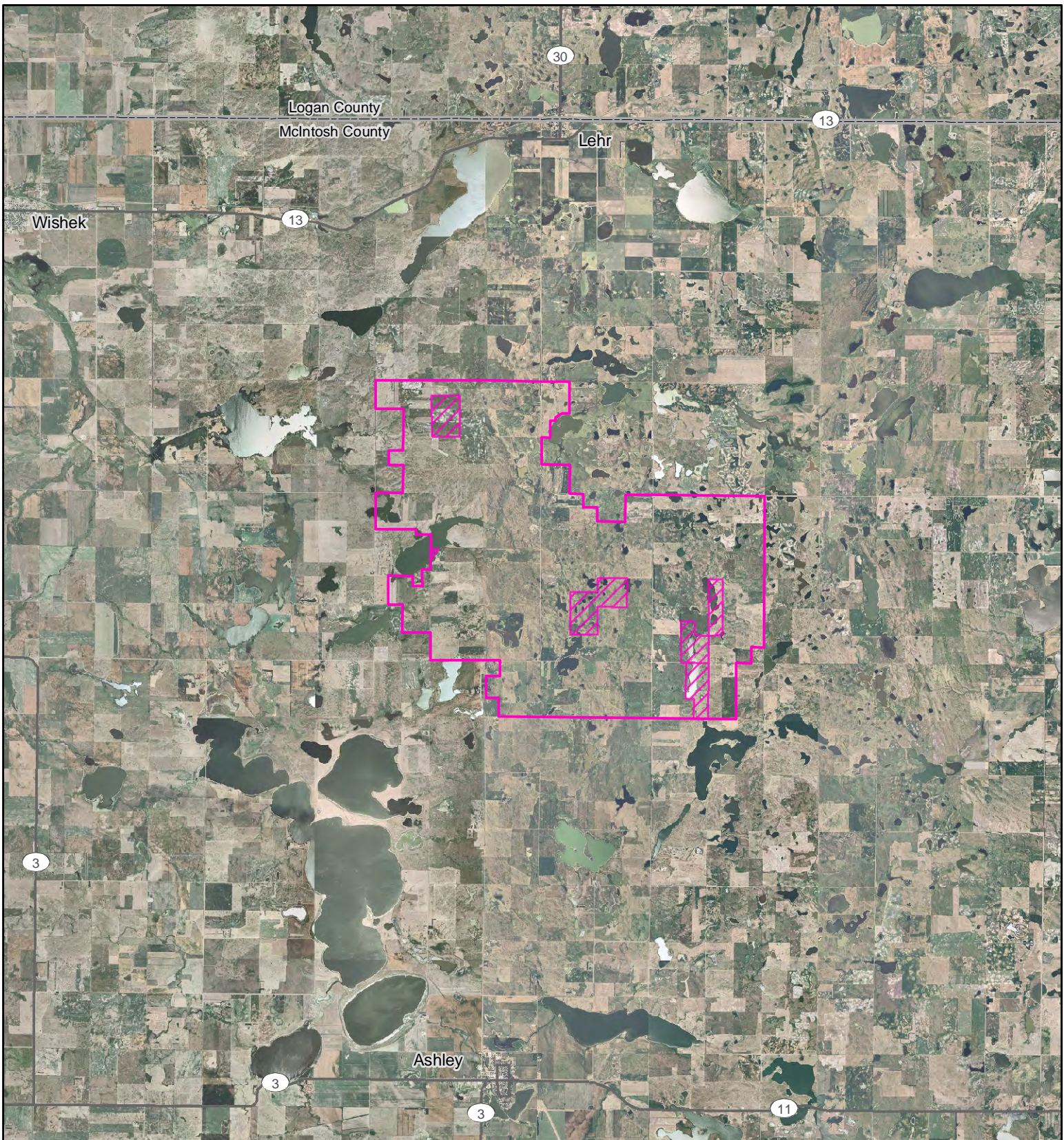
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

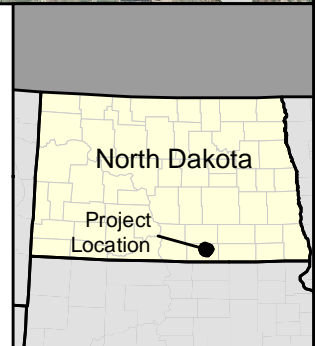
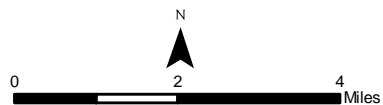


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Ms. Lisa Fair McEvers  
Commissioner of Labor  
North Dakota Department of Labor  
600 E. Boulevard Ave., Dept. 406  
Bismarck, North Dakota 58505-0340

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. McEvers:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Labor to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

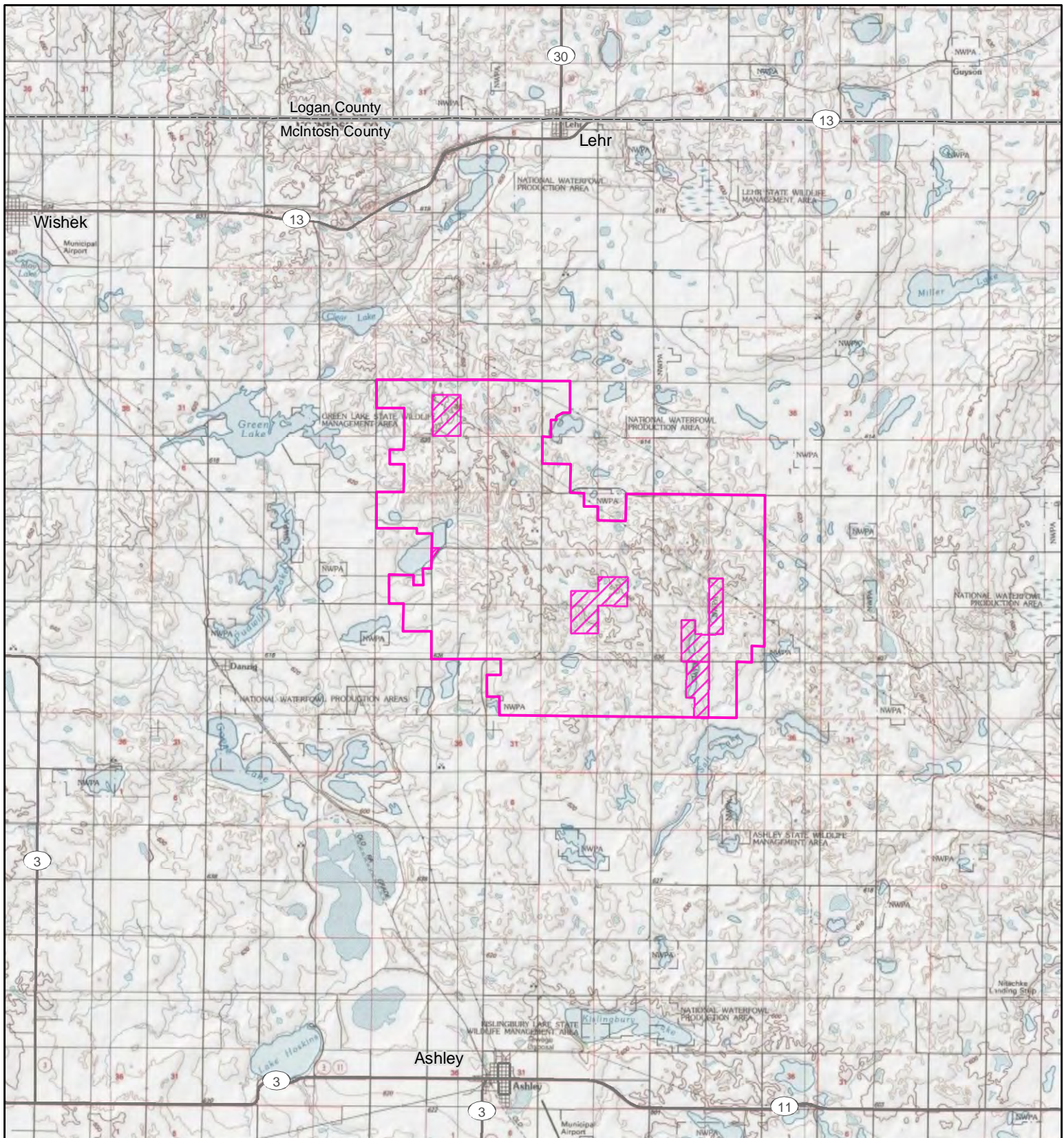
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

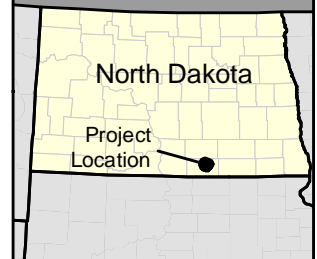
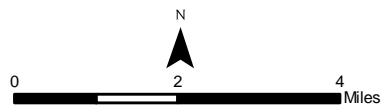
Attachment



**Project Area Map**

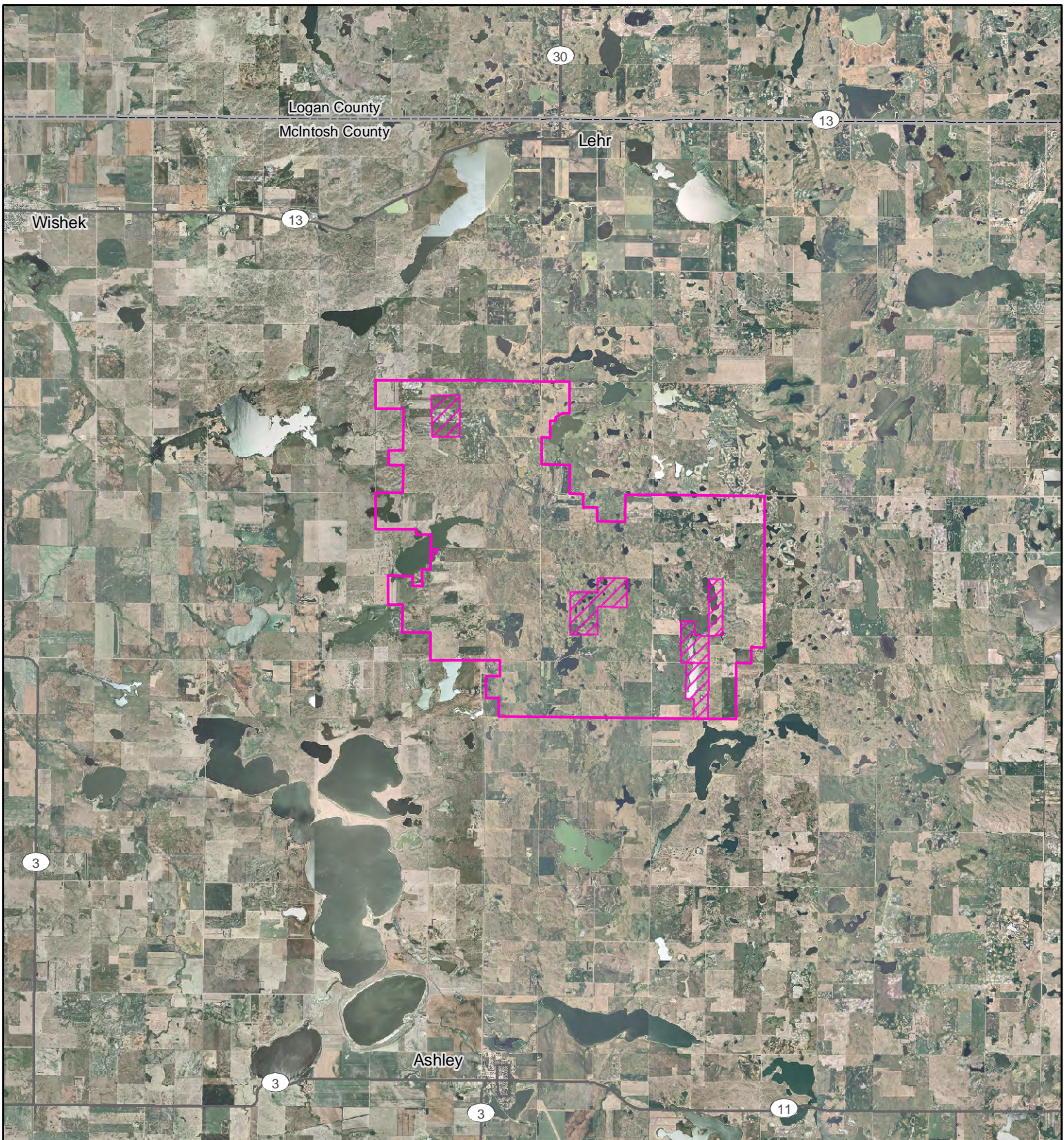
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

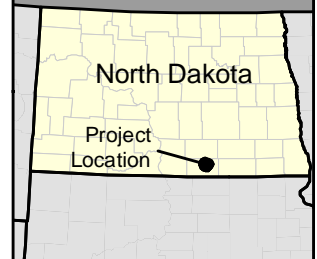
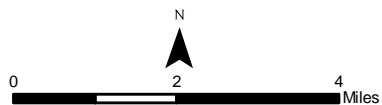


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000

John Hoeven  
Governor

Lisa K. Fair McEvers  
Commissioner



State Capitol - 13th Floor  
600 E Boulevard Ave Dept 406  
Bismarck, ND 58505-0340

[nd.gov/labor](http://nd.gov/labor)  
[nd.gov/humanrights](http://nd.gov/humanrights)

January 13, 2010

Ms. Erika J. Roberts  
Tetra Tech, EC Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Re: Application to North Dakota Public Service Commission for Certificate of Site  
Compatibility for Ashley Wind Energy Project in McIntosh County, North  
Dakota

Dear Ms. Roberts,

Thank you for your letter of January 8, 2010, inquiring about assistance in identifying concerns or issues relating to the project you described. The Department of Labor enforces wage and hours laws, investigates allegations of discrimination in employment, housing, public services, public accommodations and credit transactions.

The Department of Labor takes no position on your project, as I am unable to identify any concerns relating to the authority granted to the department.

Sincerely yours,

  
Lisa K. Fair McEvers  
Commissioner



TETRA TECH EC, INC.

January 8, 2010

Ms. Sheri Lares  
Environmental and Transportation Services Division  
North Dakota Department of Transportation  
608 E. Boulevard Ave.  
Bismarck, ND 58505-0700

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. Lares:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Department of Transportation to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



133 Federal Street, 6th Floor, Boston, MA 02110  
Tel 617.457.8200 Fax 617.457.8498/8499  
www.tteci.com

The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

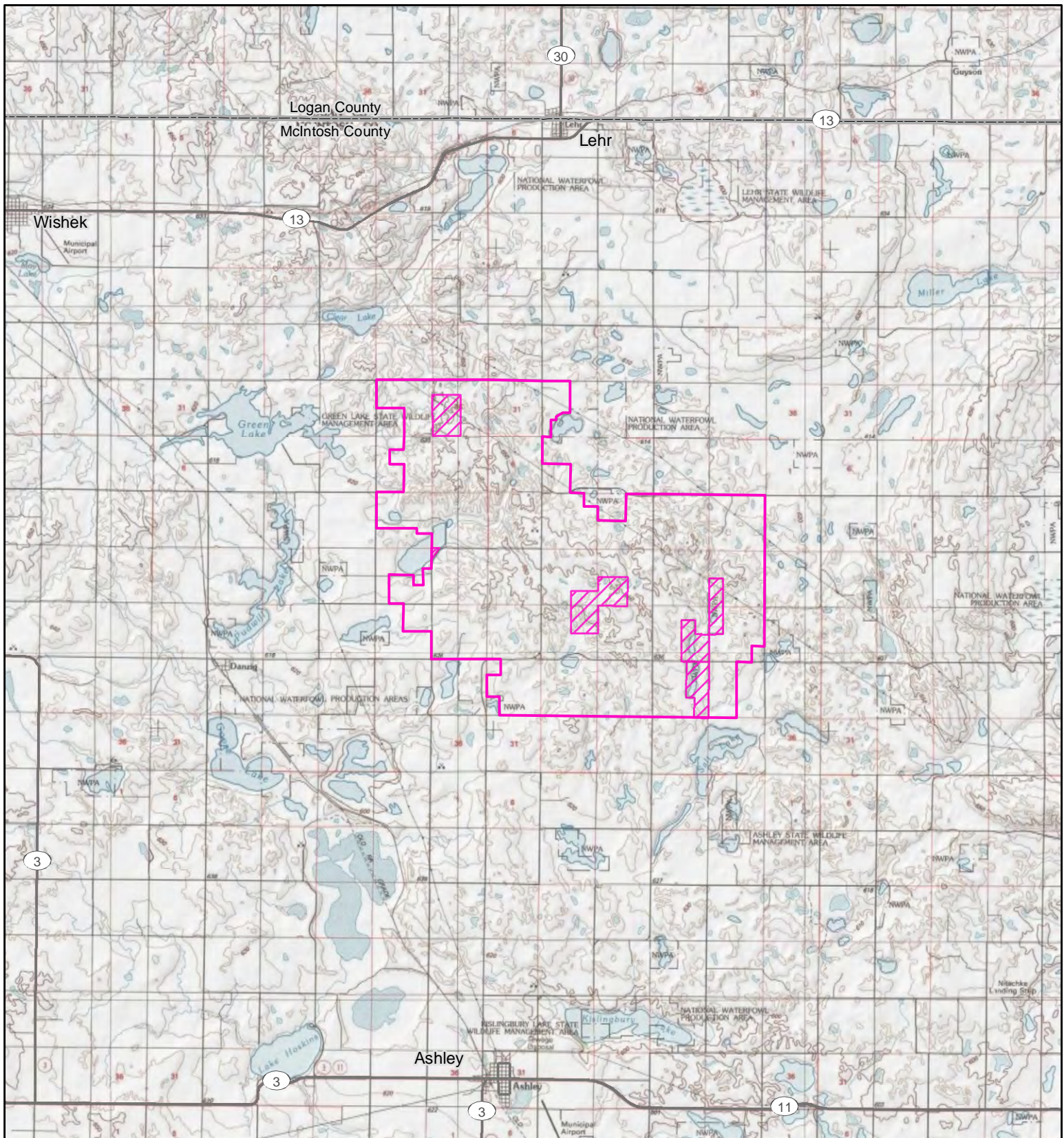
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

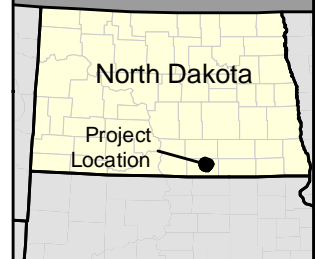
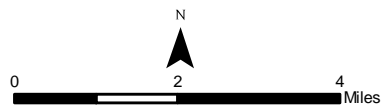
Attachment



Project Area Map

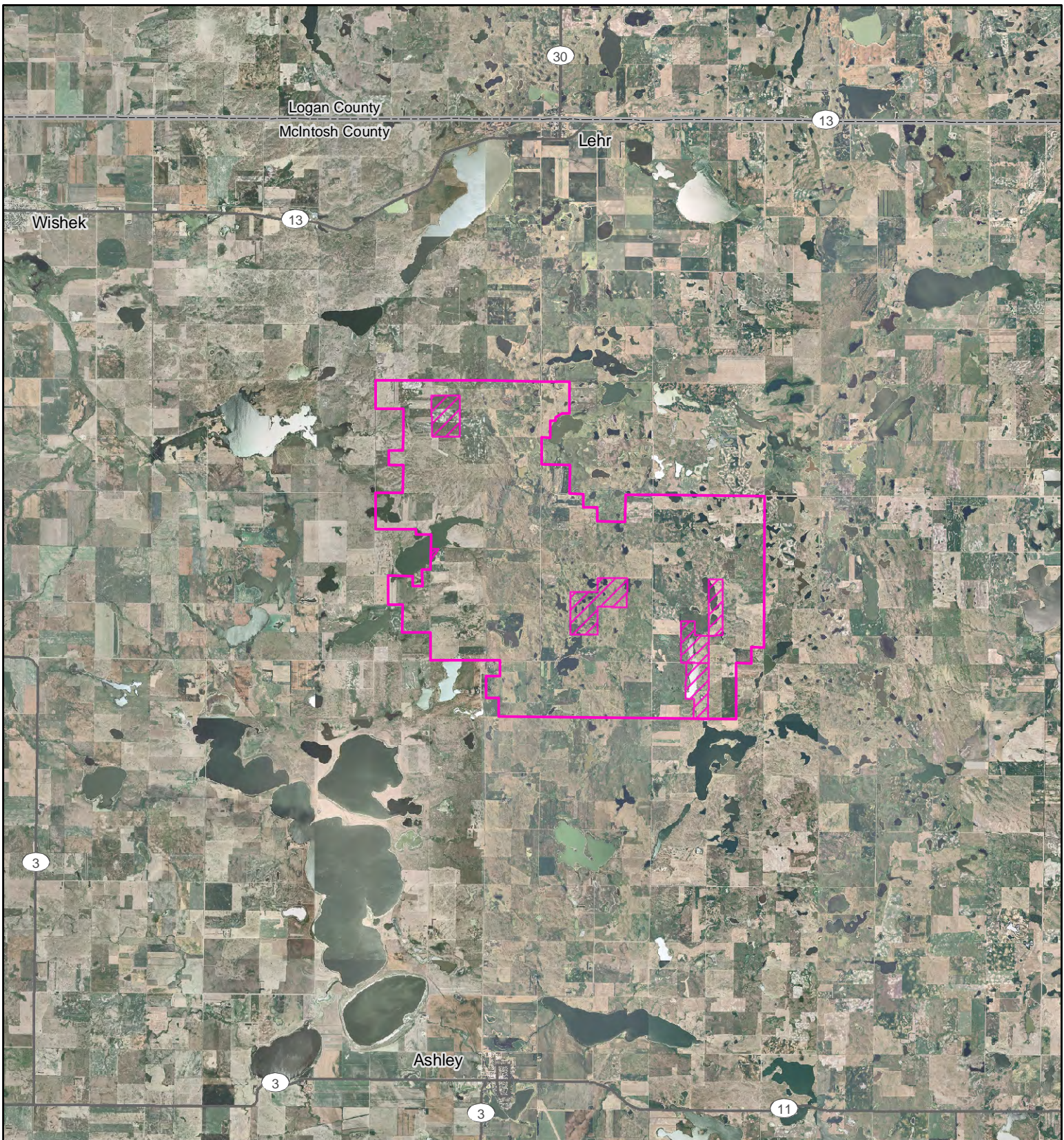
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

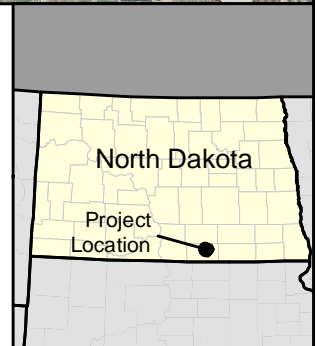
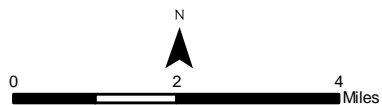


**Project Area Map**

**Ashley Wind Energy Project  
McIntosh County, North Dakota**



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



# North Dakota Department of Transportation

Francis G. Ziegler, P.E.  
*Director*

John Hoeven  
*Governor*

January 21, 2010

Erika J. Roberts, Project Manager  
Tetra Tech EC, Inc.  
133 Federal Street – 6<sup>th</sup> Floor  
Boston, MA 02110

ASHLEY WIND ENERGY PROJECT, MCINTOSH COUNTY, NORTH DAKOTA

We have reviewed your January 8, 2010, letter.

North Dakota Highway 13 between Wishek and Lehr is scheduled for reconstruction during 2011 and 2012. The highway reconstruction project may prevent movement of over dimensional loads through the project during this time period. If it is necessary to cross a state highway with a power line, utility permits will need to be obtained.

Additionally, 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 Engineers, John Thompson at 701-845-8800 and Robert Walton at 701-239-8903.

A handwritten signature in blue ink, appearing to read "Ronald J. Henke".

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

57:rjh:js

c: John Thompson, Valley City District Engineer  
Bob Walton, Fargo District Engineer



TETRA TECH EC, INC.

January 8, 2010

Mr. John Schumacher  
Conservation Biologist  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Schumacher:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Game and Fish Department to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

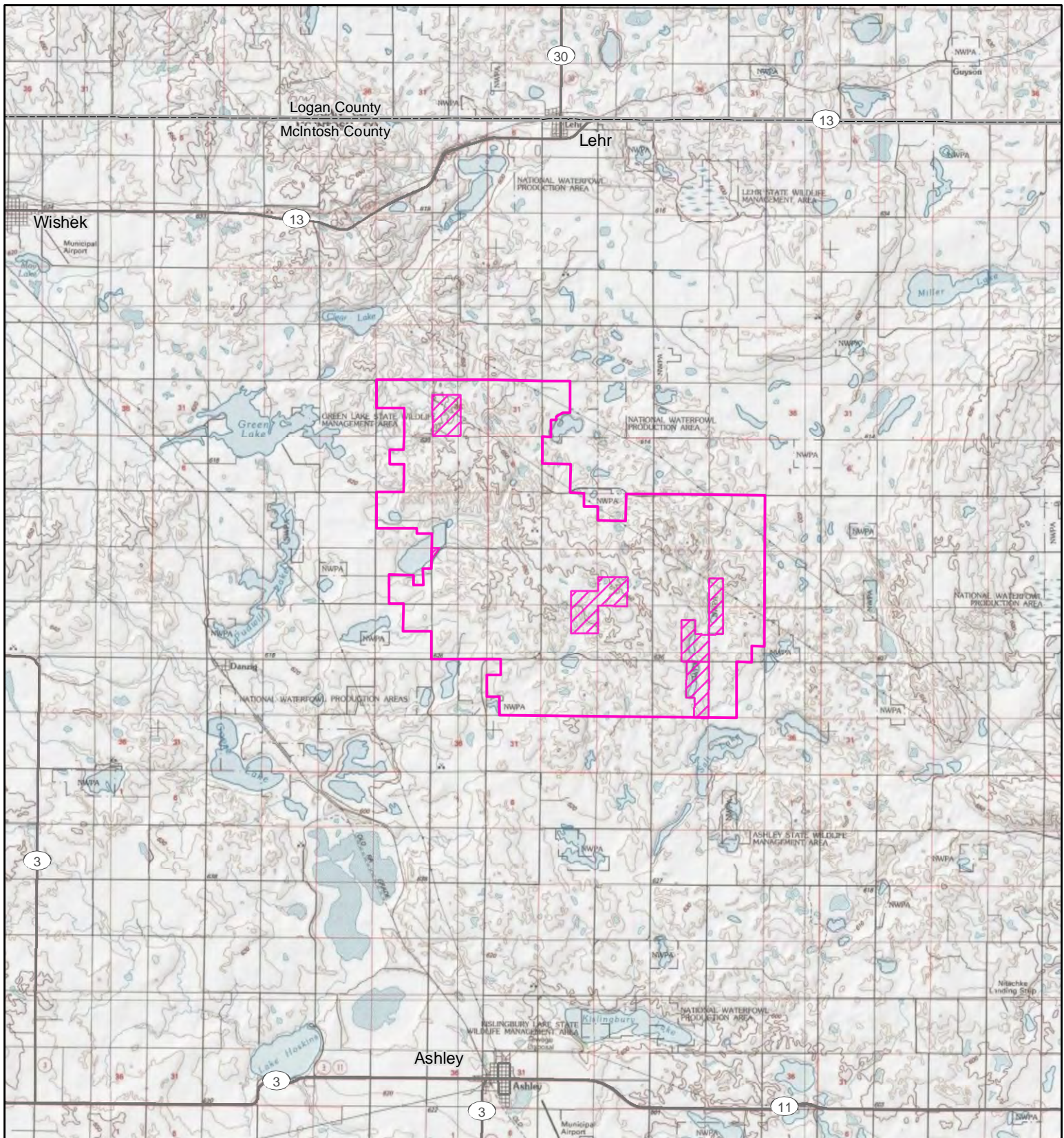
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

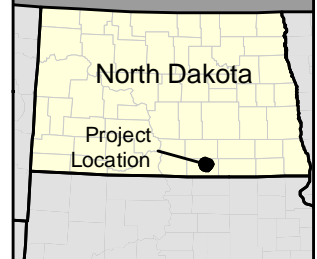
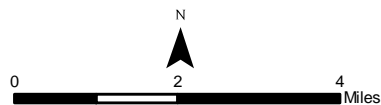
Attachment



Project Area Map

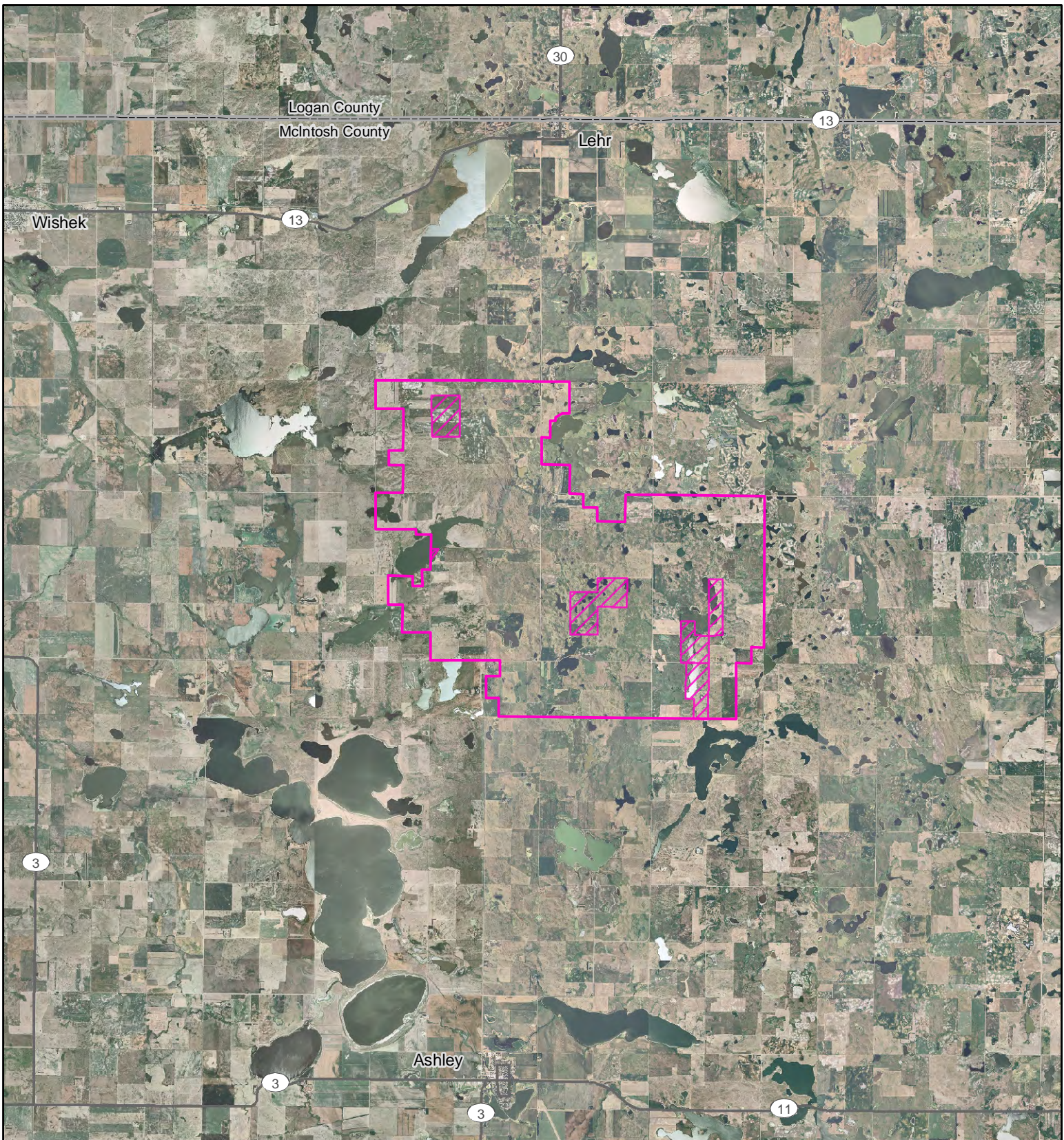
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area





Source: USGS 24k Quads, 1985.

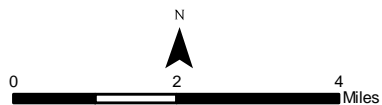
Scale 1:150,000



Project Area Map

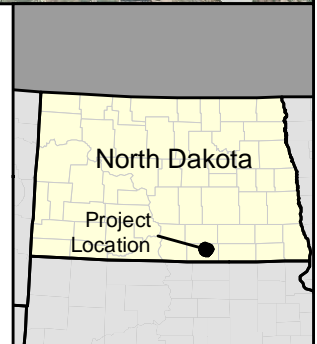
Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Edward Murphy  
State Geologist  
North Dakota Geological Survey  
600 E. Boulevard Ave.  
Bismarck, North Dakota 58505-0840

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Murphy:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Geological Survey to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

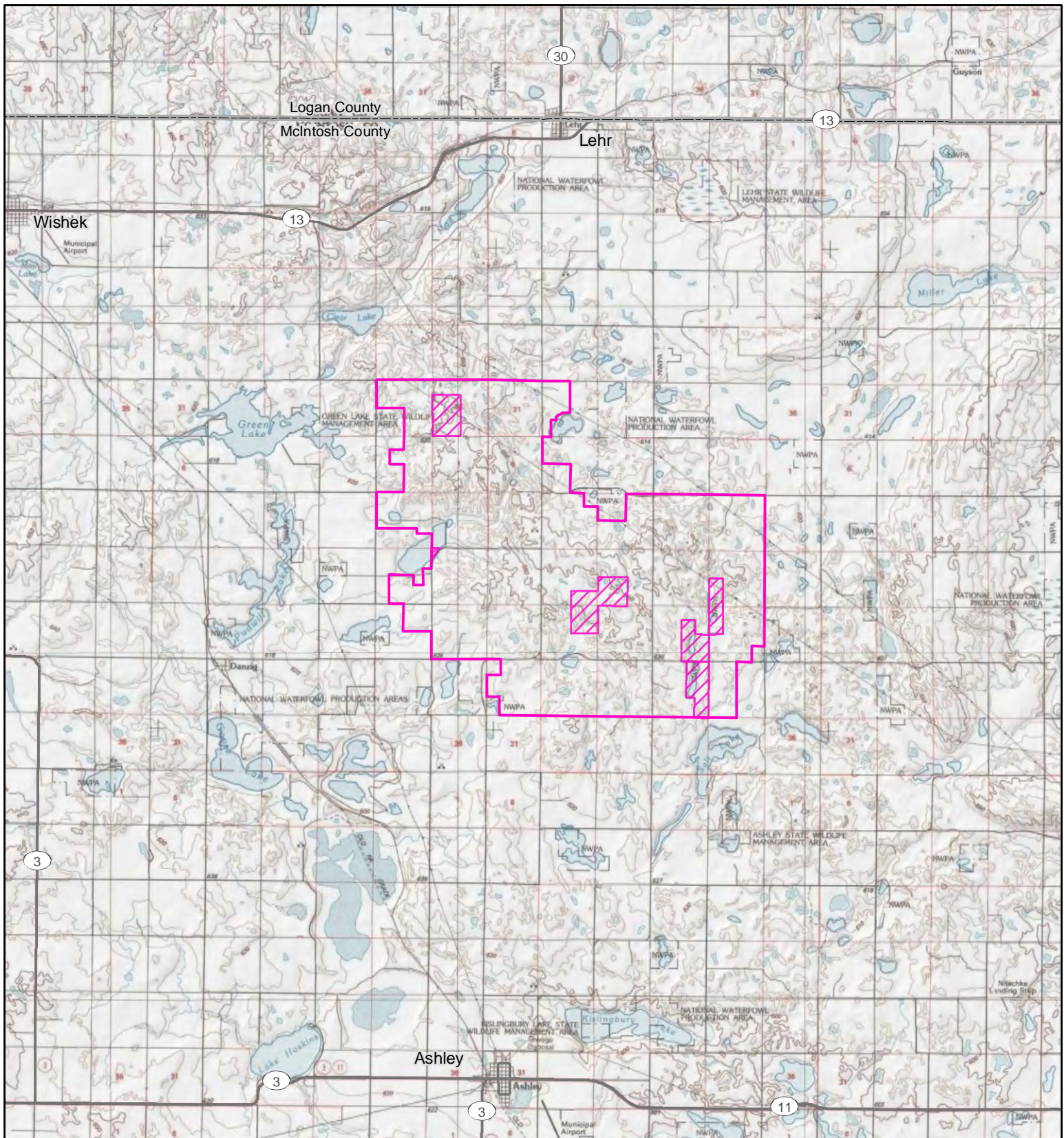
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

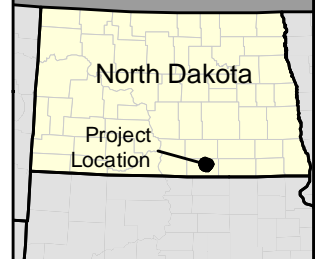
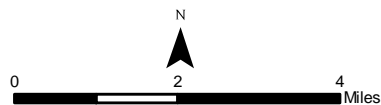
Attachment



**Project Area Map**

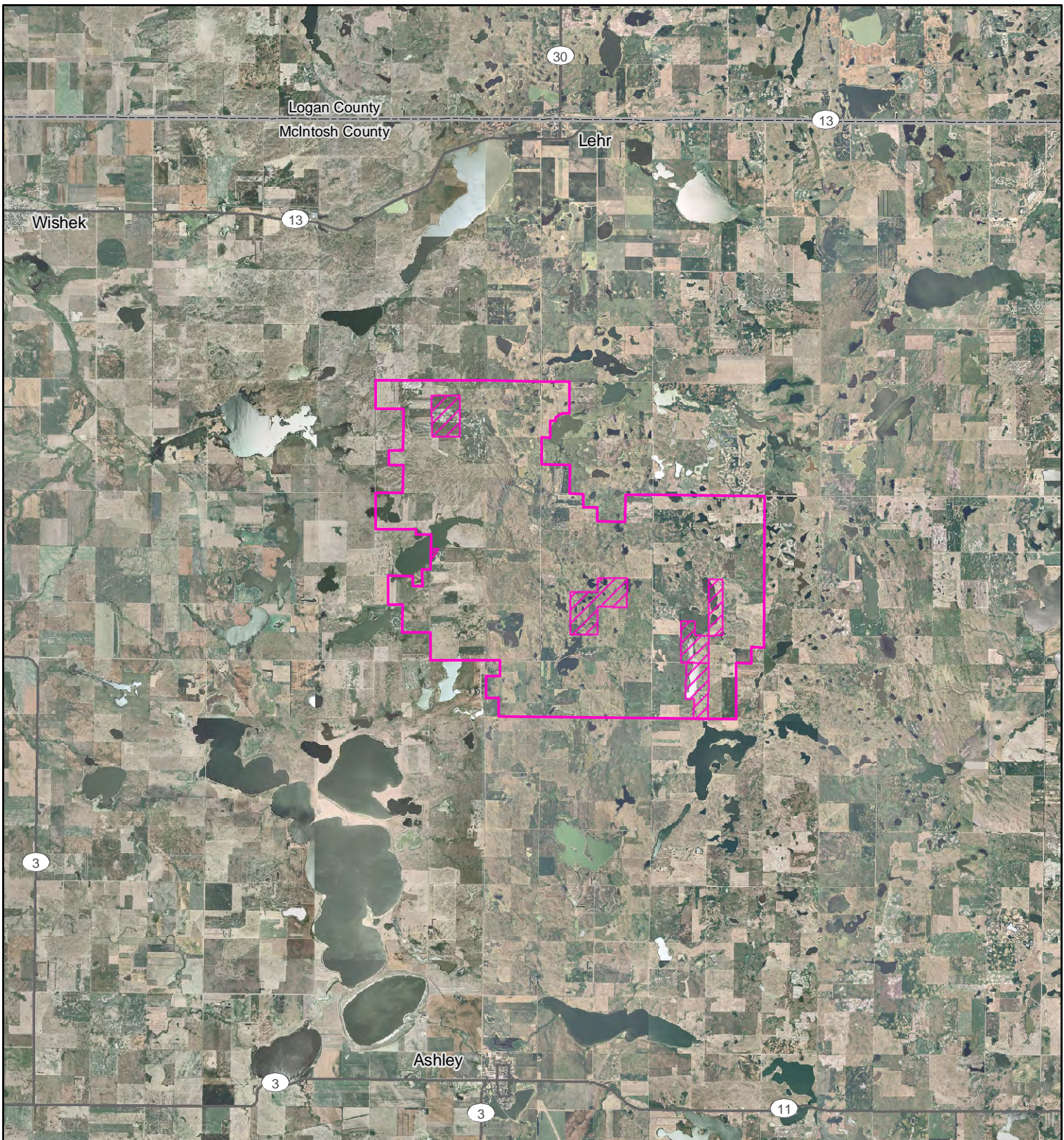
**Ashley Wind Energy Project**  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

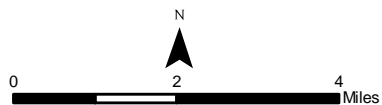


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

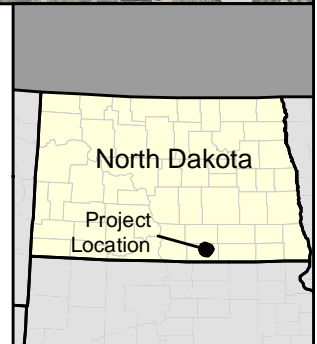


-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





# North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

<https://www.dmr.nd.gov/ndgs/>

Erika J. Roberts  
Project Manager  
Tetra Tech EC, Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

January 12, 2010

Dear Ms. Roberts,

**Re: Ashley Wind Energy Project  
McIntosh County, North Dakota**

In response to your letter of January 8, 2010 concerning a Notice of Intent to obtain a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh 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 McIntosh 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 (Clayton, Lee, 1962, Glacial Geology of Logan and McIntosh Counties, North Dakota: North Dakota Geological Survey Bulletin 37, 84 p.). Hydrologic data for McIntosh County, including lithologic logs of test holes and wells are also available in parts II and III of Bulletin 73 in the same series. All this information is available in paper format from the NDGS offices in Bismarck, and also online at <http://www.swc.state.nd.us>.

Surface materials within the entire project area consist of up five hundred feet of Pleistocene glacial sediments overlying marine shale of the Cretaceous-age Pierre Formation. The area is characterized by a hilly landscape of end moraine ridges and collapsed glacial sediment (till, glaciofluvial and glaciolacustrine) interspersed with numerous sloughs and small lakes.

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](mailto:lmanz@nd.gov).

Sincerely,

Lorraine A. Manz, Ph.D.  
Geologist



TETRA TECH EC, INC.

January 8, 2010

Mr. Scott Davis  
Executive Director  
North Dakota Indian Affairs Commission  
State Capitol Building  
600 E. Boulevard Ave.  
1st Floor, Judicial Wing - Room #117  
Bismarck, ND 58505

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Davis:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Indian Affairs Commission to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

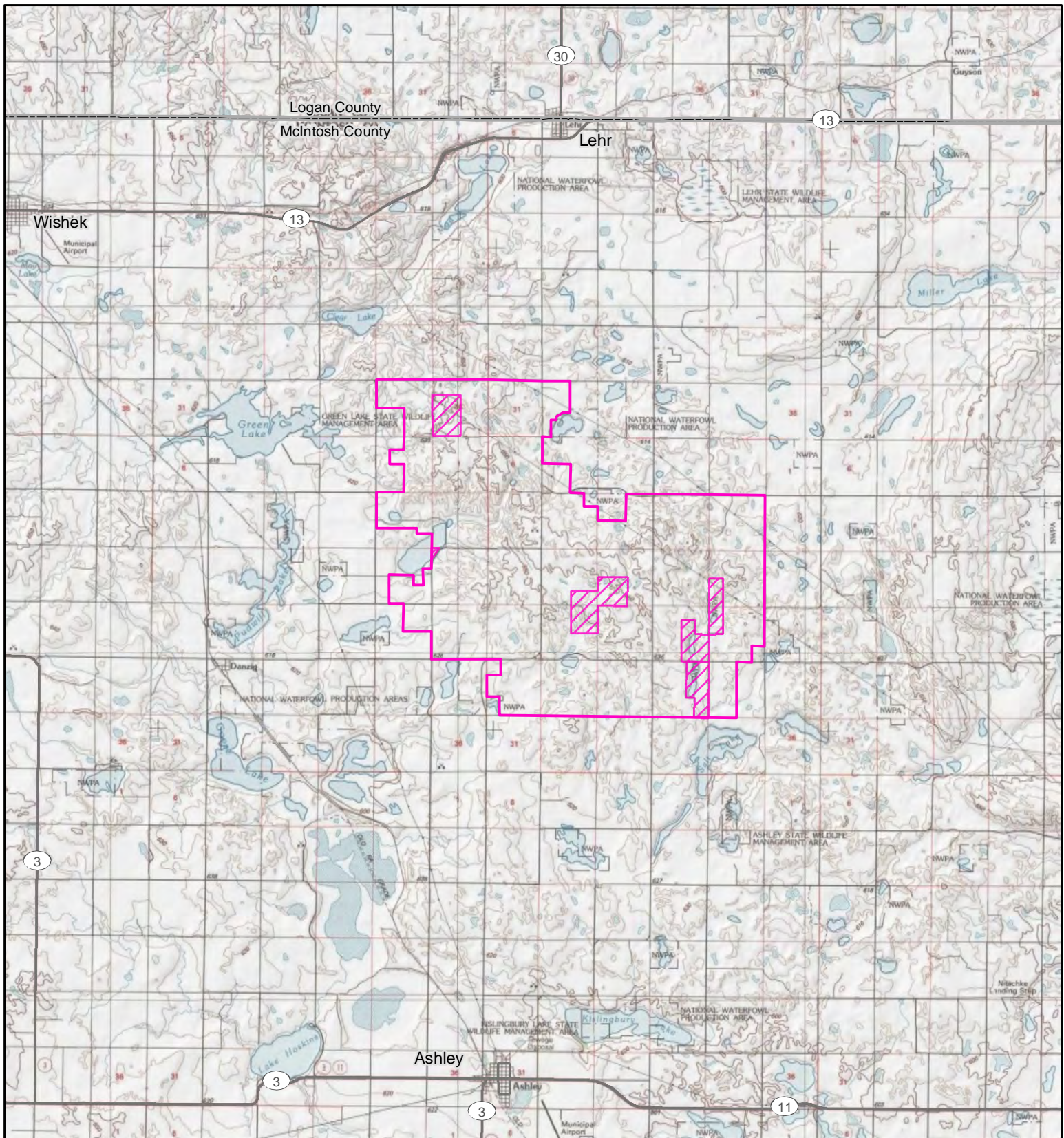
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

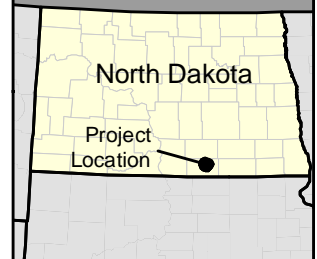
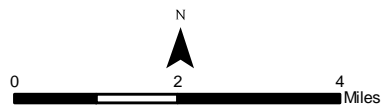
Attachment



**Project Area Map**

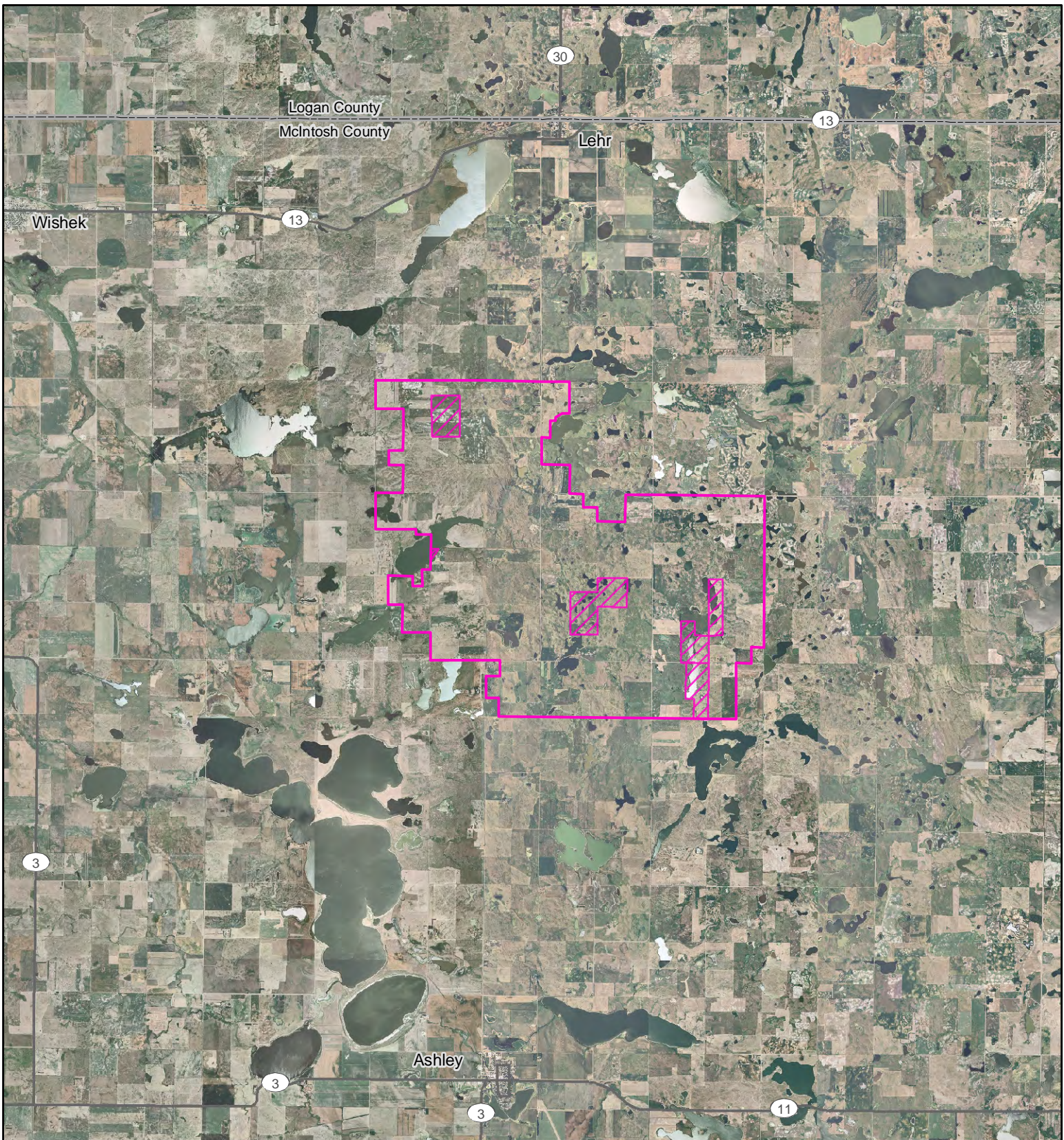
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

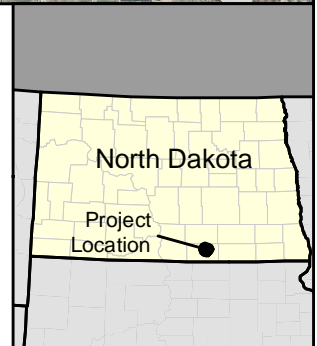
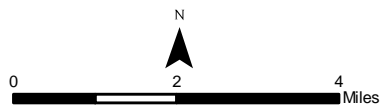


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Ms. Pam Sharp  
Director  
North Dakota Office of Management and Budget  
600 E. Boulevard Ave., Dept. 110  
Bismarck, ND 58505-0400

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Ms. Sharp:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Office of Management and Budget to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

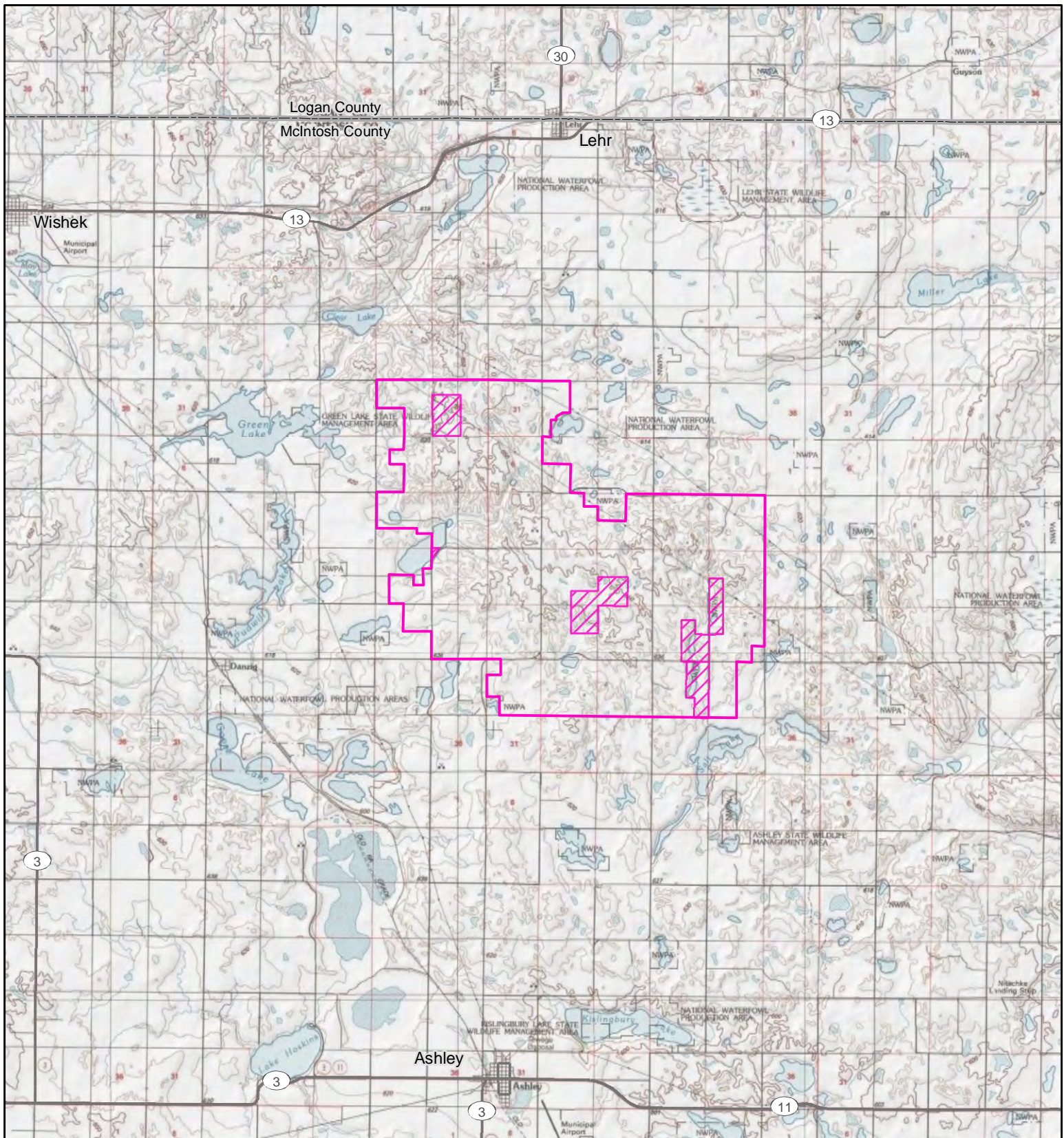
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

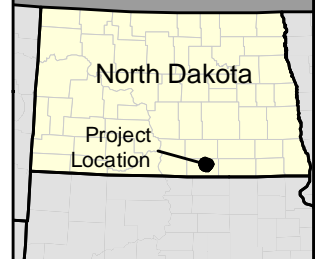
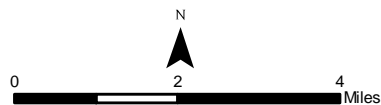
Attachment



**Project Area Map**

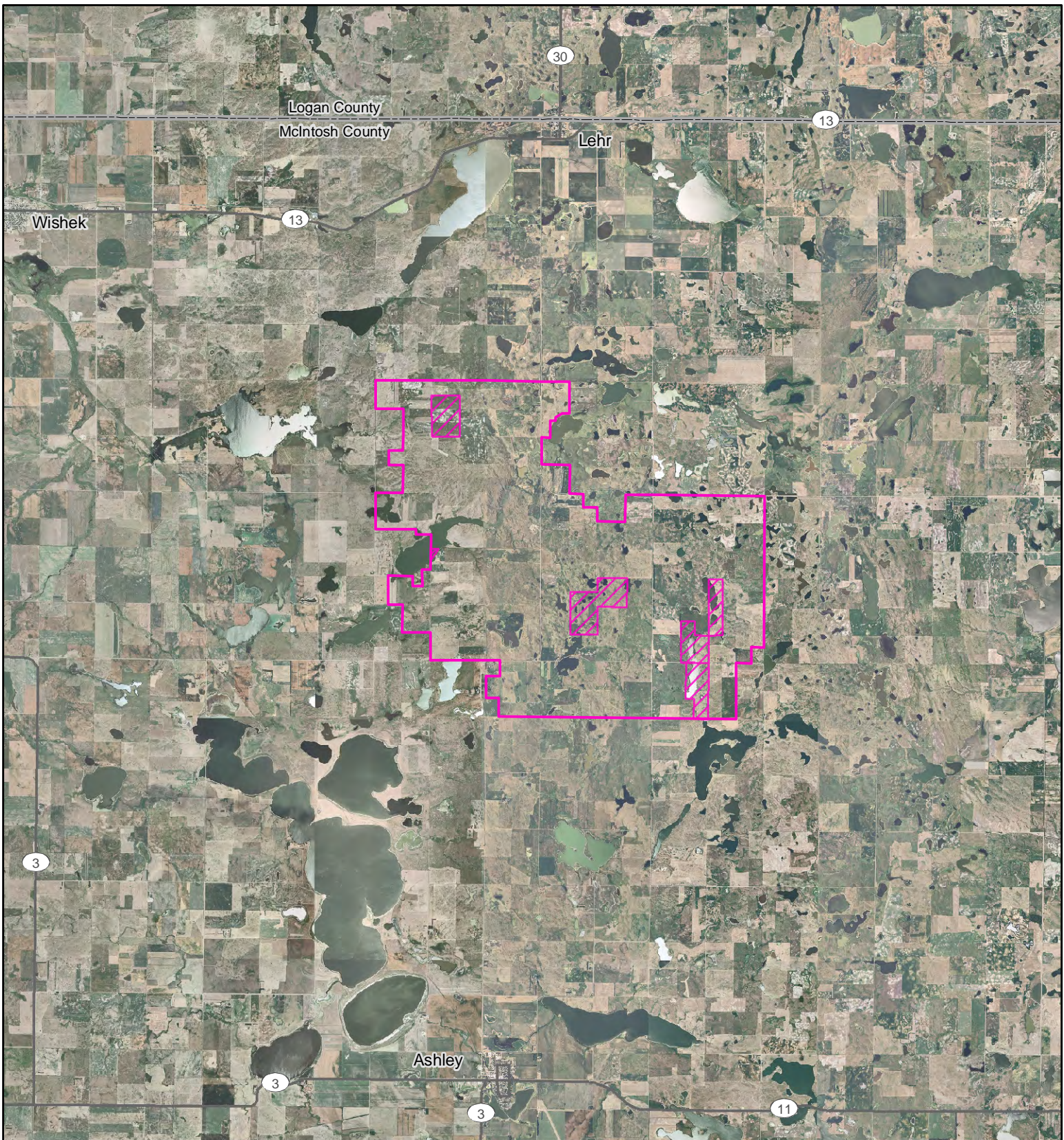
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

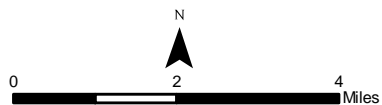


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

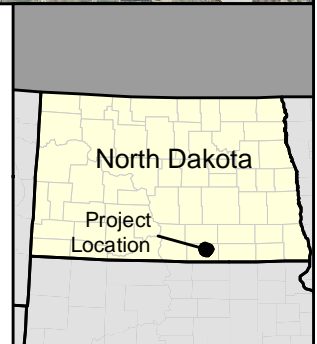


-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Douglass Prchal  
Director  
North Dakota Parks and Recreation Department  
1600 E. Century Ave, Suite 3  
Bismarck, ND 58503-0649

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Prchal:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota Parks and Recreation Department to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



133 Federal Street, 6th Floor, Boston, MA 02110  
Tel 617.457.8200 Fax 617.457.8498/8499  
[www.tteci.com](http://www.tteci.com)

The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

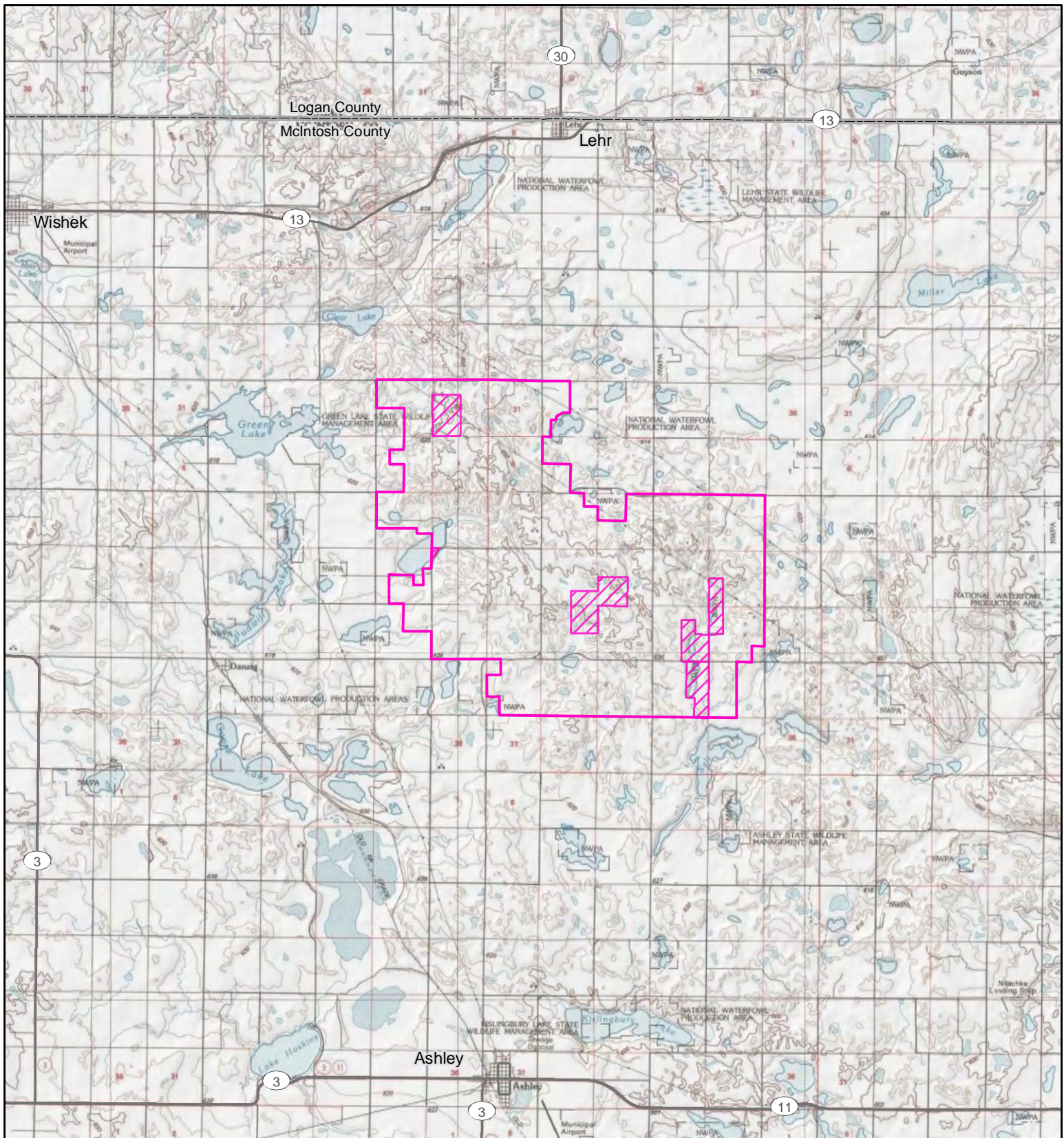
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

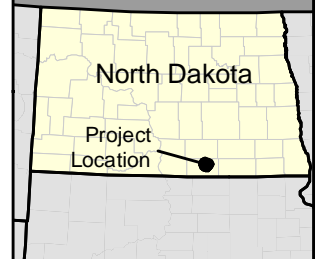
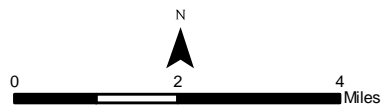
Attachment



Project Area Map

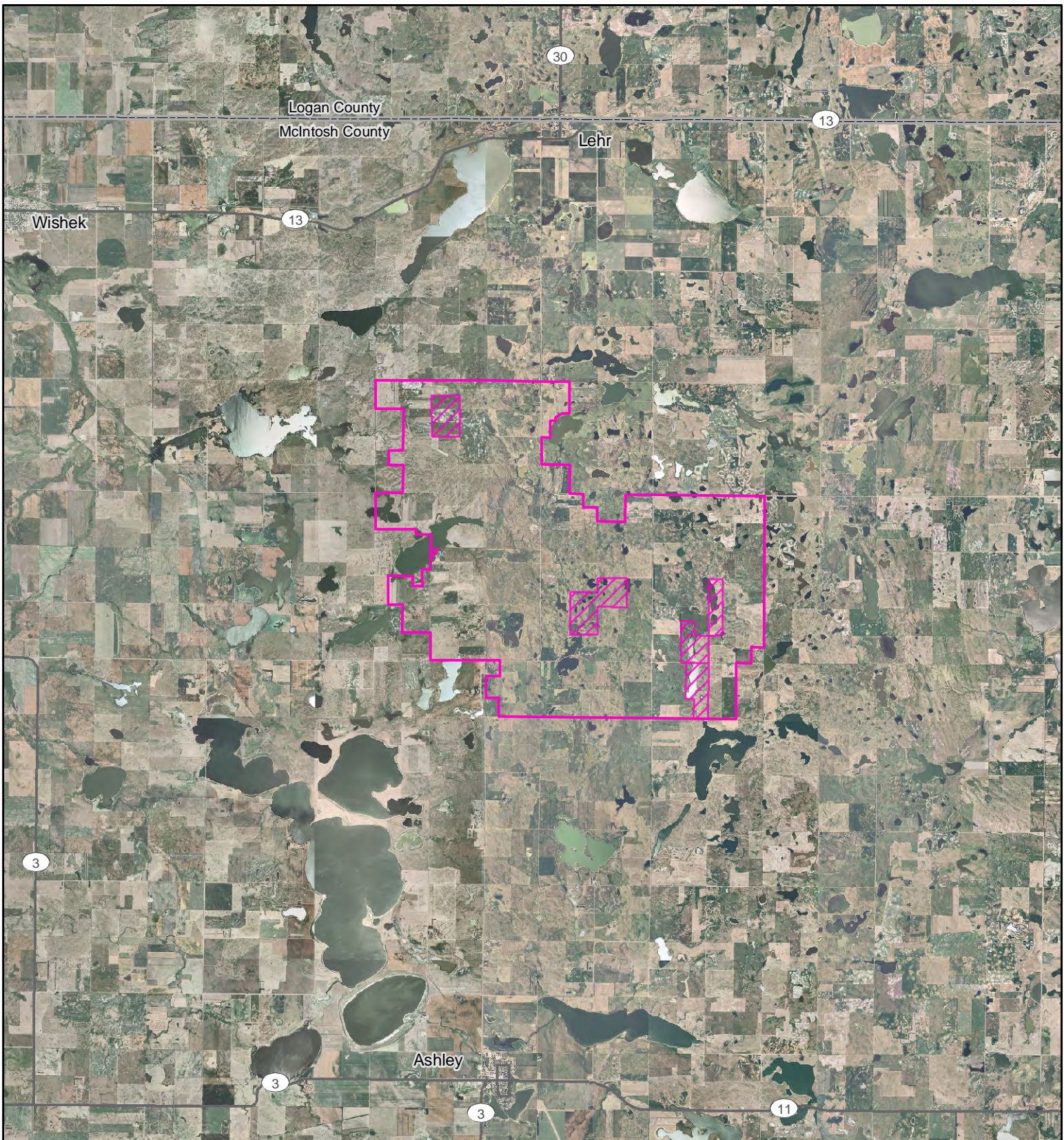
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

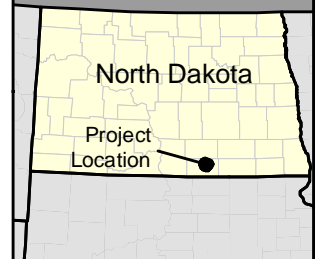
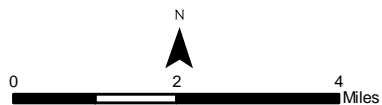


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



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](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

January 29, 2010

Erika J. Roberts  
Tetra Tech EC, Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Re: Ashley Wind Energy Project

Dear Ms. Roberts:

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above referenced project proposal to develop a wind energy project located in Sections 5-11, 14-23, and 26-30, T131N, R69W; Sections 1, 2, 11-14, 23, and 24, T131N, R70W; Sections 31 and 32, T132N, R69W; and Sections 35 and 36, T132N, R70W; McIntosh 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 current or historic 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 do have records for the occurrence of *Charadrius melodus* (piping plover) in a section adjacent to the project area indicating that the habitat in the project area may be suited for this specie or other rare, threatened, sensitive or endangered species. Please see the attached spreadsheet and map for more information on this occurrence. 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.

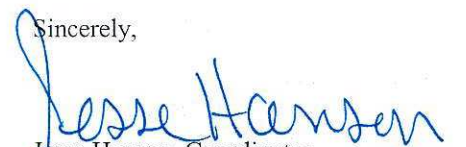
Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

Given the potential for not only habitat disturbance and disruption but the 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.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)) of our staff if additional information is needed.

Sincerely,

  
Jesse Hanson, Coordinator  
Planning and Natural Resources Division

R.USNDNHI\*2010-022

.....  
*Play in our backyard!*

# ND Parks and Recreation Department

*ND Natural Heritage Inventory*  
 1600 East Century Ave., Suite 3  
 Bismarck, ND 58503-0649  
 (701) 328-5370 FAX: (701) 328-5363

INVOICE NO: 0112  
 DATE: 1/29/2010

To: Erika J. Roberts  
 Tetra Tech EC, Inc.  
 133 Federal Street, 6<sup>th</sup> Floor  
 Boston, MA 02110

CONTACT	REFERENCE NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS
K.Duttenhefner	R.USNDNHI*2010 -022	1/29/2010			

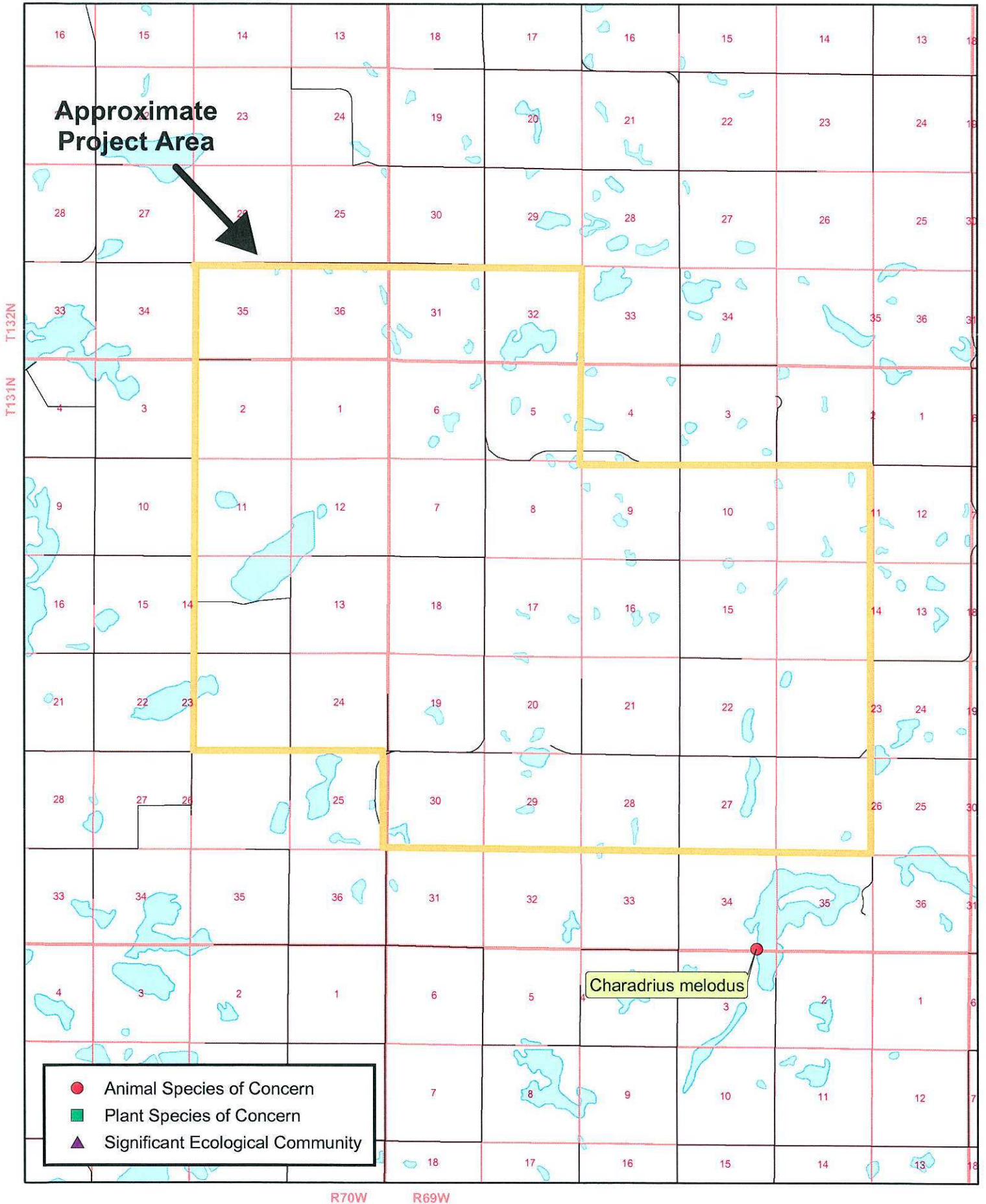
QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Computer data search, data retrieval, spreadsheet and map creation.	\$ 60.00	\$ 60.00
SUBTOTAL			\$ 60.00
SALES TAX			
SHIPPING & HANDLING			
<b>TOTAL DUE</b>			<b>\$ 60.00</b>

Make all checks payable to: ND Parks and Recreation Department  
 If you have any questions concerning this invoice, call: Kathy Duttenhefner, (701) 328-5370

**THANK YOU FOR YOUR INTEREST IN RARE SPECIES CONSERVATION.**

Entry Event	Fund	Dept.	Project	Activity
463021	398	1508	OR15082	15082

# North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Charadrius melodus	Piping plover	S1S2	G3	LE, LT	131N069W - 34; 130N069W - 03	McIntosh	1995		S

## 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.

### Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

### Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



TETRA TECH EC, INC.

January 8, 2010

Mr. Gary D. Preszler  
Commissioner  
North Dakota State Land Department  
PO Box 5523  
Bismarck, ND 58506-5523

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Preszler:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota State Land Department to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

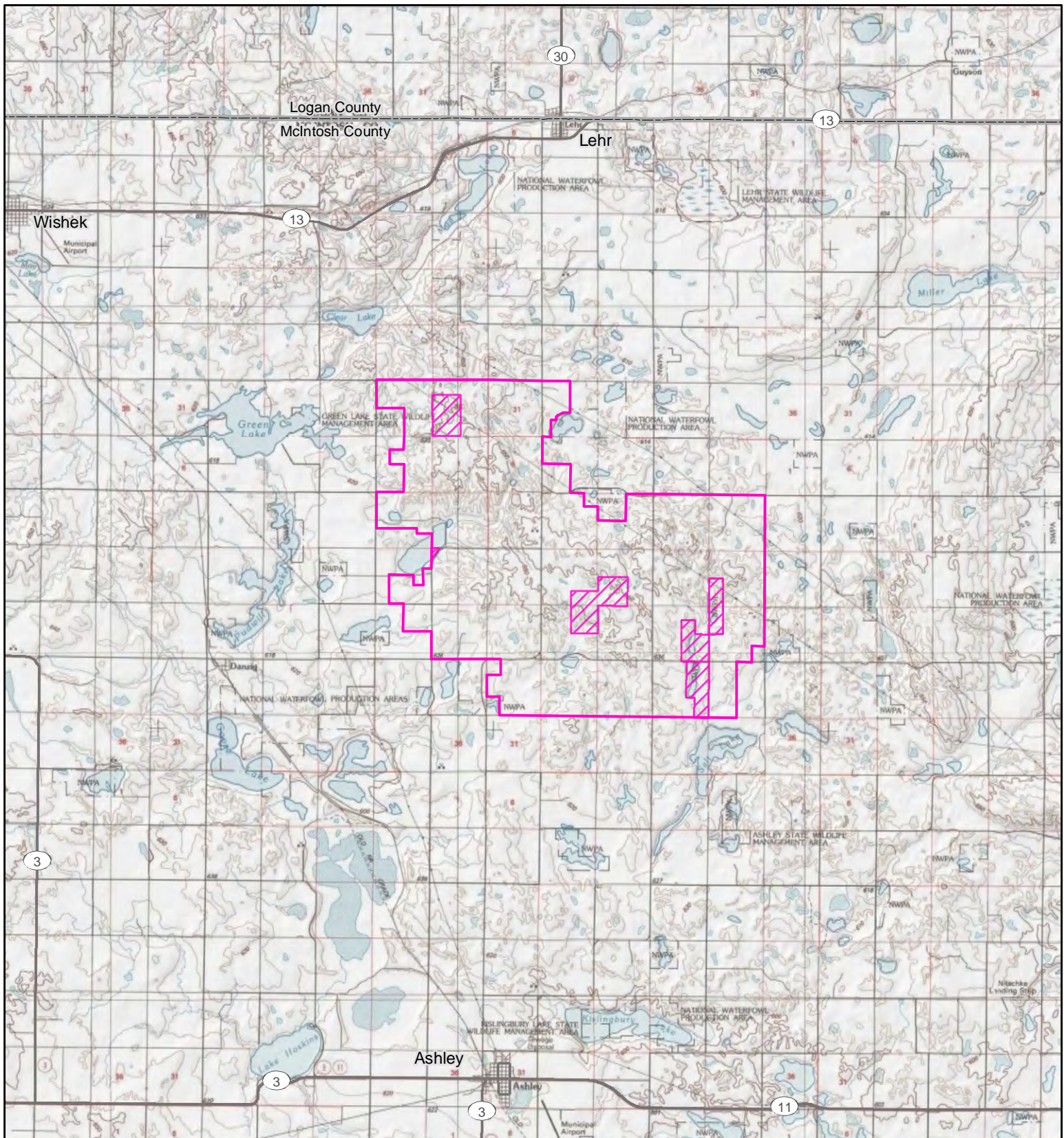
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

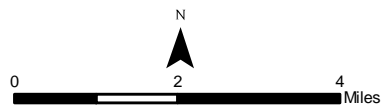
Attachment



**Project Area Map**

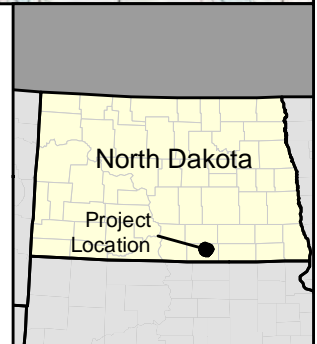
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

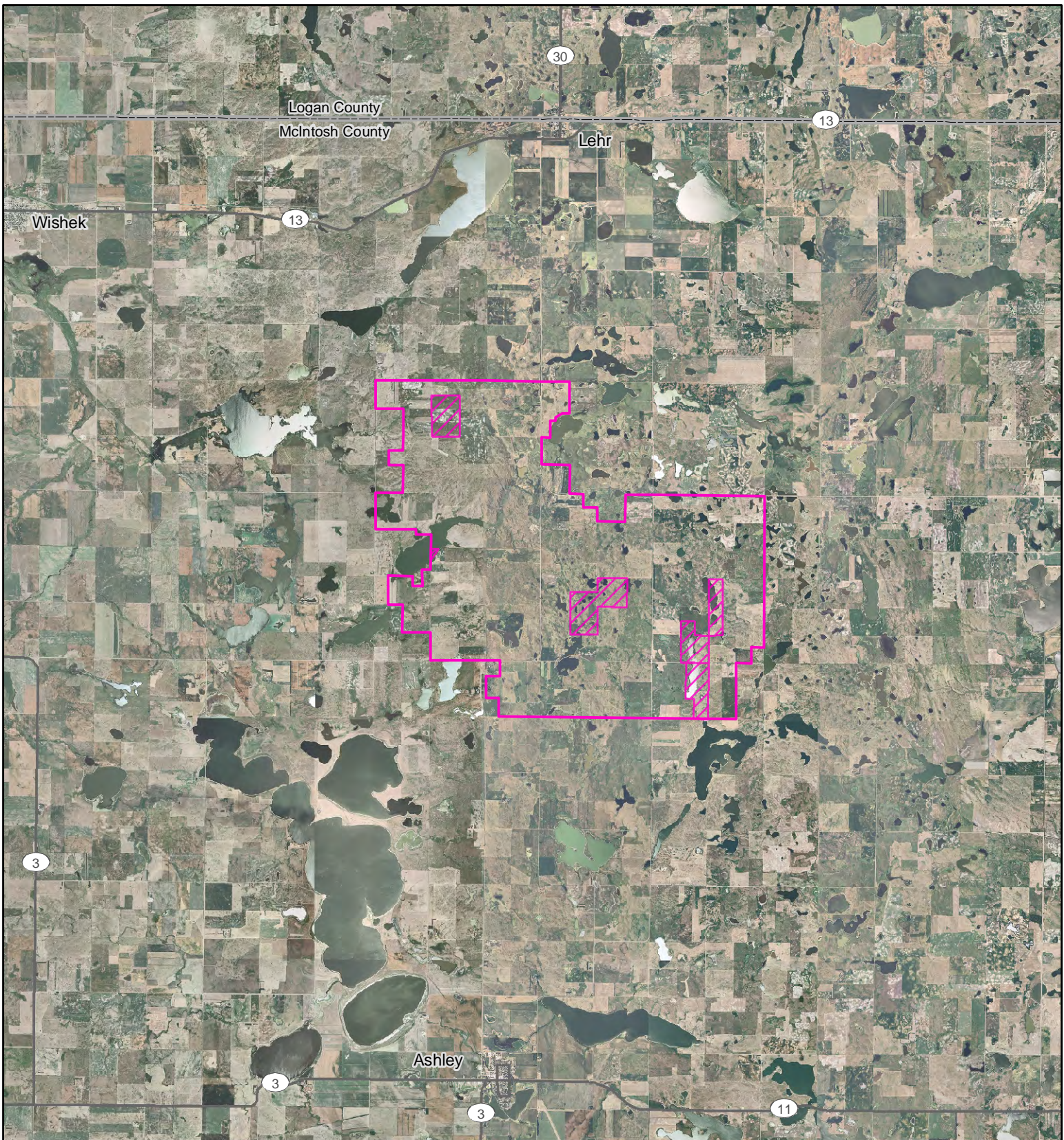
-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000



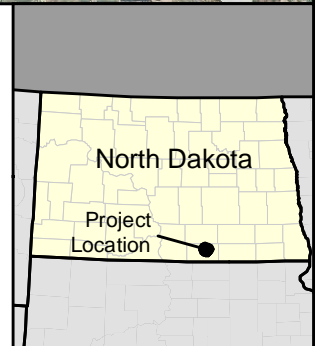
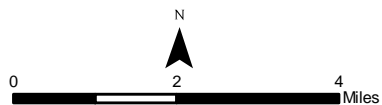


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. Jeff Engleson  
Director  
North Dakota State Land Department  
Energy Development Impact Office  
PO Box 5523  
Bismarck, ND 58506-5523

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Engleson:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota State Land Department, Energy Development Impact Office to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

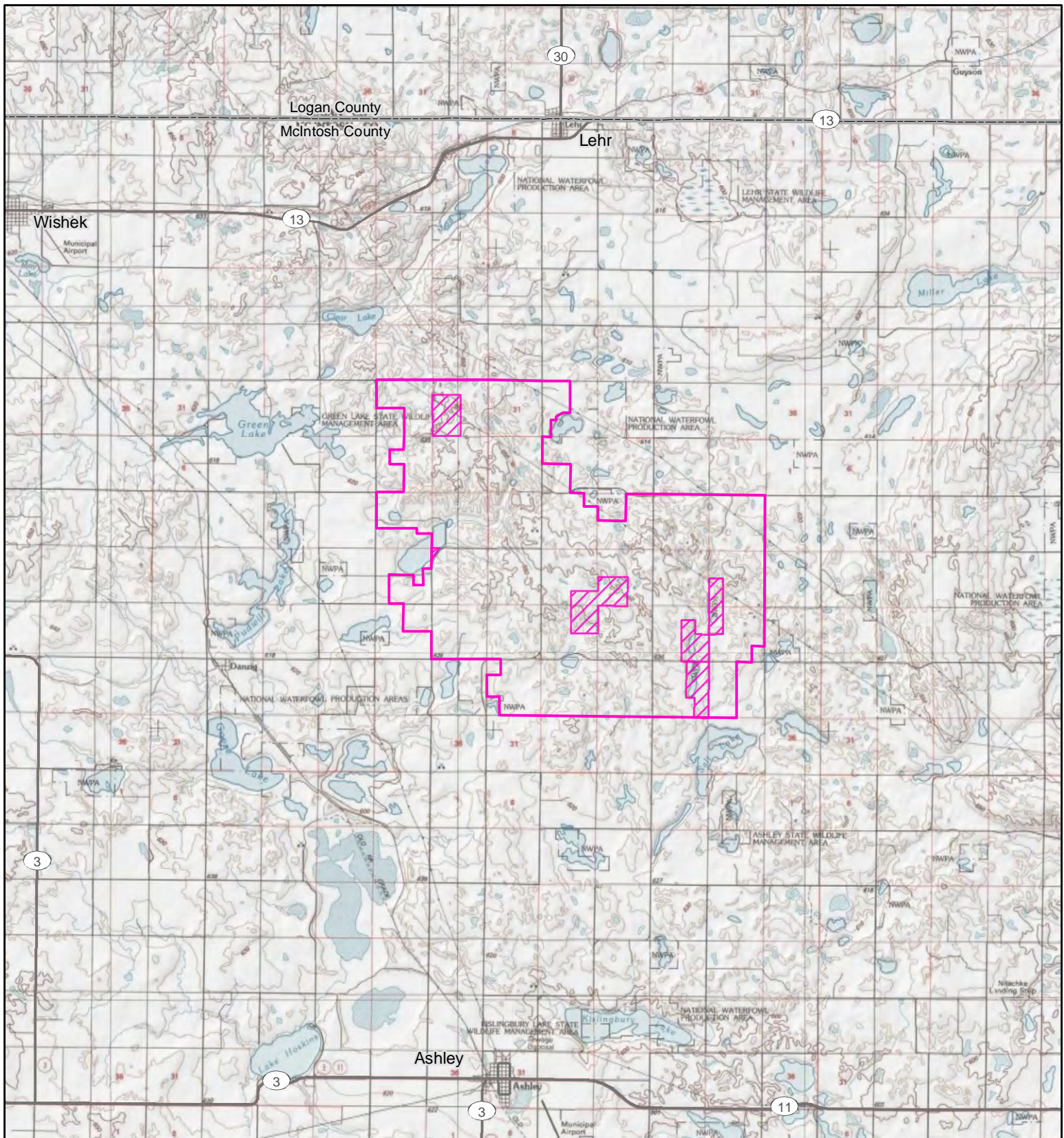
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

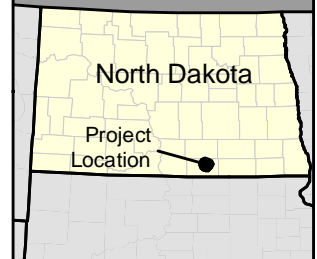
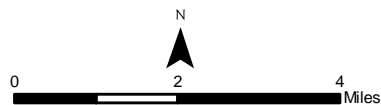
Attachment



Project Area Map

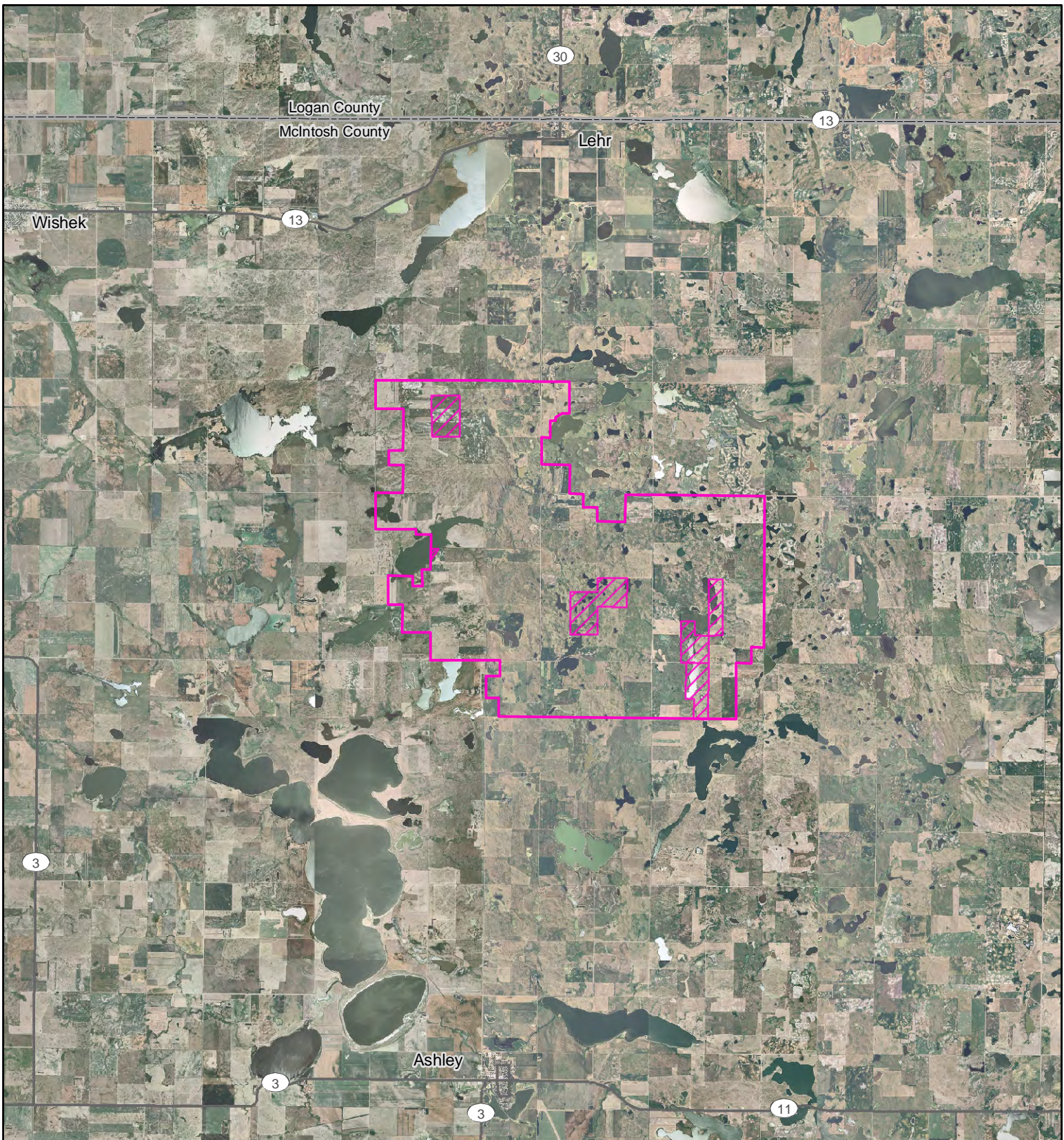
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

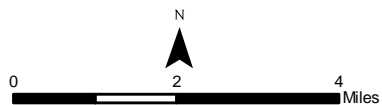


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

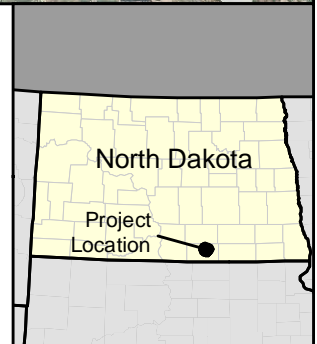


- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

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

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Hochhalter:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota State Soil Conservation Committee to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

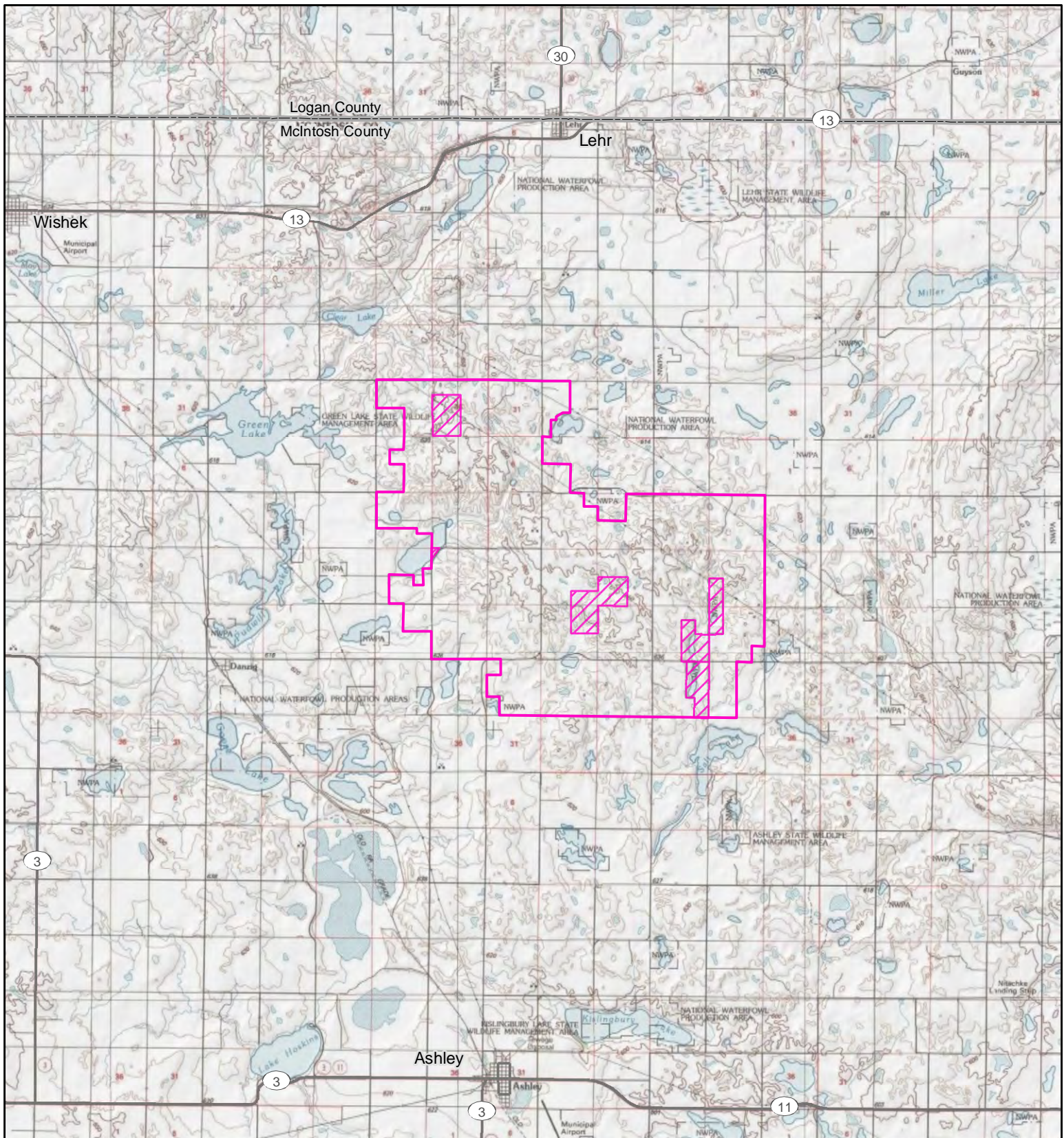
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

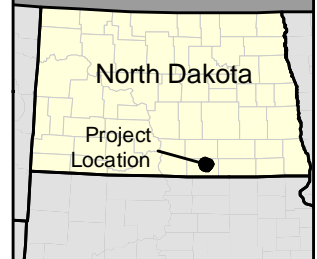
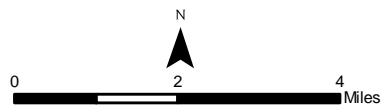
Attachment



**Project Area Map**

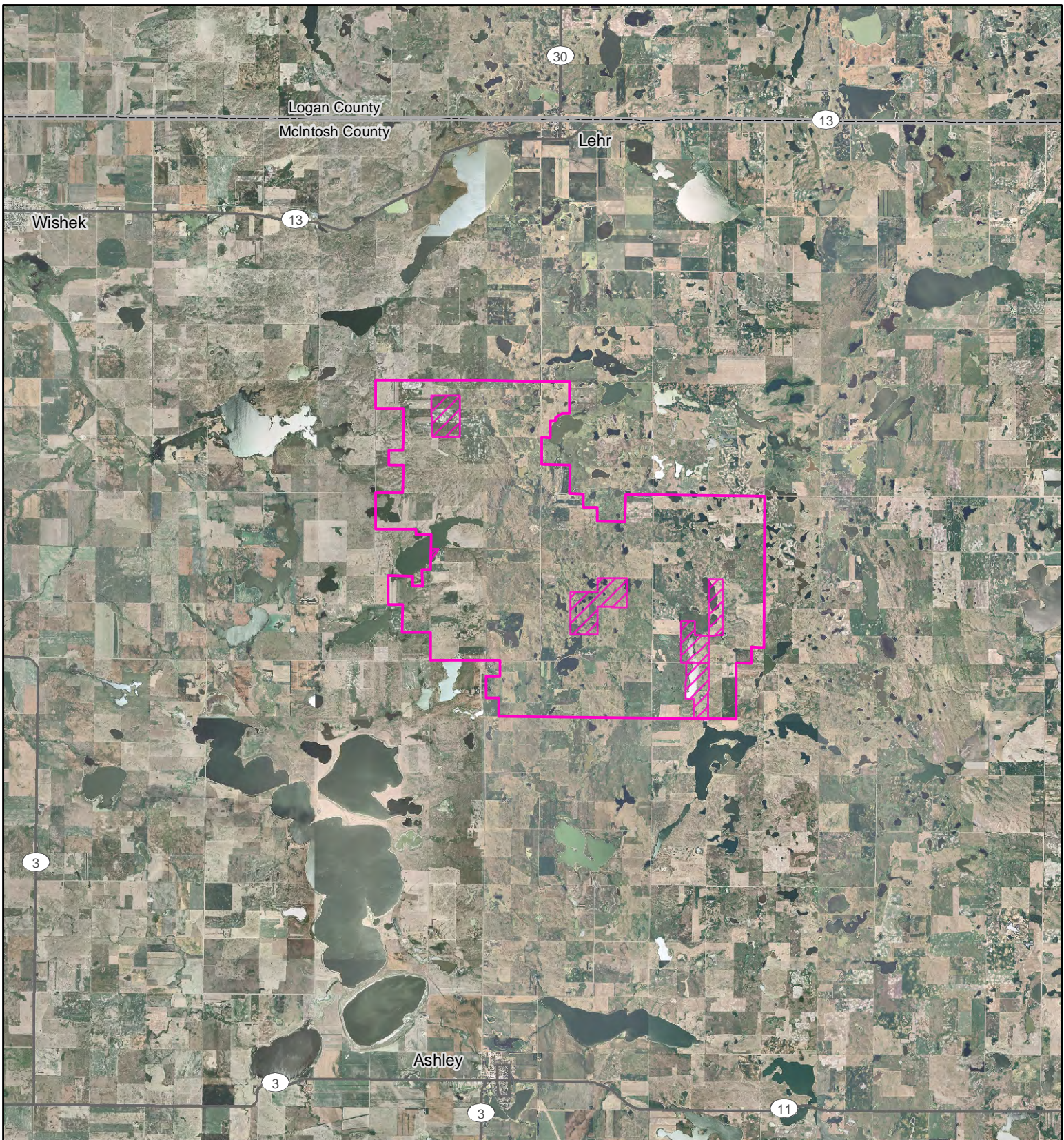
**Ashley Wind Energy Project**  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

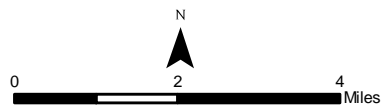


Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota

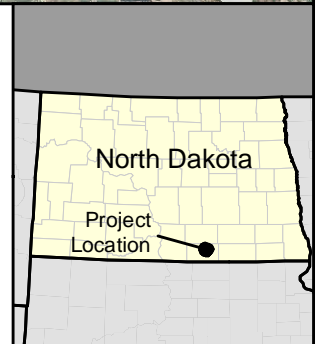


-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Dale Frink  
State Engineer  
North Dakota State Water Commission  
900 E. Boulevard Ave., Dept. 770  
Bismarck, North Dakota 58505-0850

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Frink:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the North Dakota State Water Commission to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

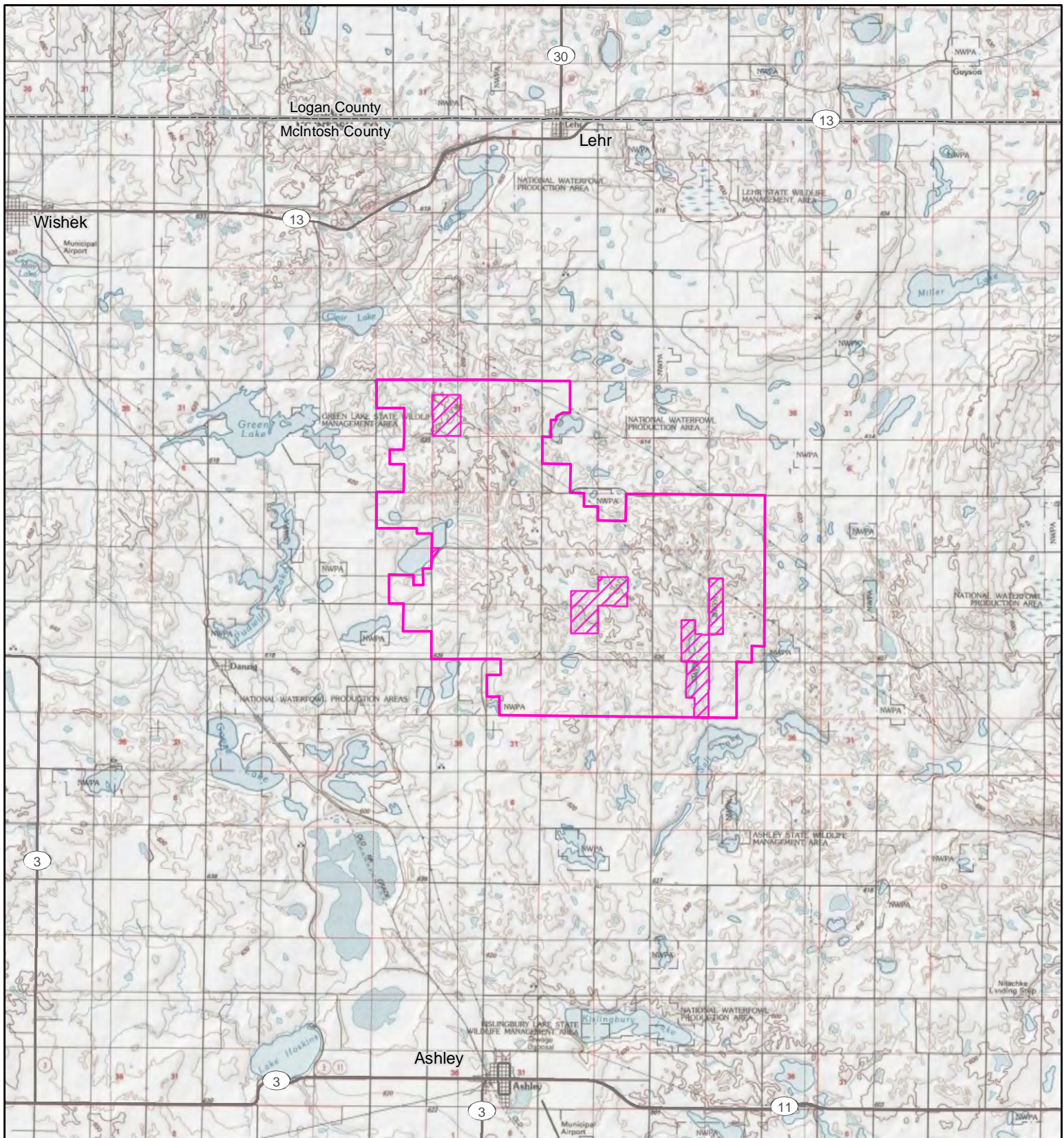
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

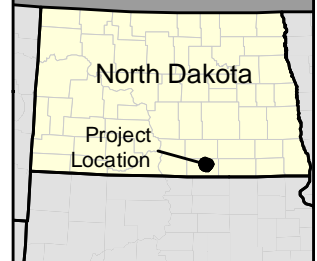
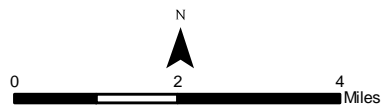
Attachment



**Project Area Map**

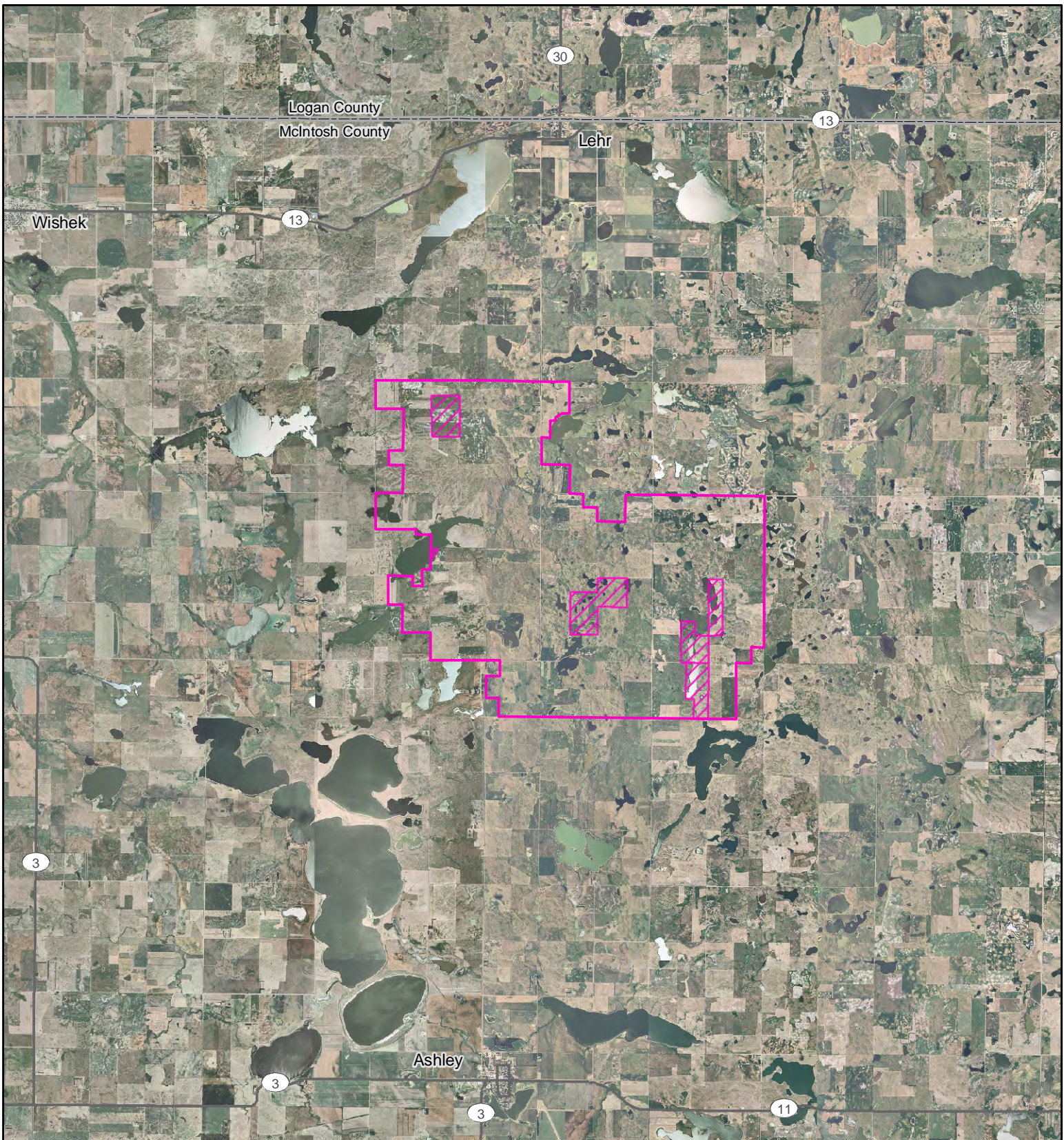
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

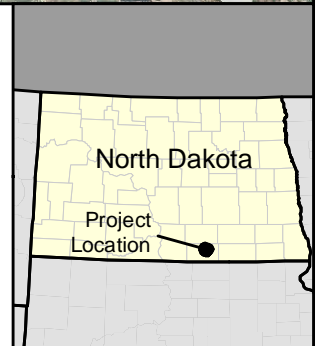
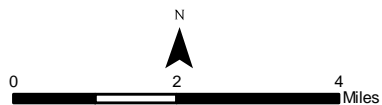


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota

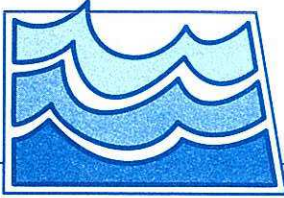


- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

February 17, 2010

Erika Roberts  
Tetra Tech  
133 Federal Street  
6<sup>th</sup> Floor  
Boston, MA 02110

Dear Ms. Roberts:

This is in response to your request for review of environmental impacts associated with the Ashley Wind Energy Project in McIntosh County, ND.

The proposed project have been reviewed by State Water Commission staff and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson  
Research Analyst

LJK:ds/1570



TETRA TECH EC, INC.

January 8, 2010

Mr. Paul Picha  
Chief Archaeologist  
State Historical Society of North Dakota  
612 E. Boulevard Ave.  
Bismarck, ND 58505

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Picha:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the State Historical Society of North Dakota to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

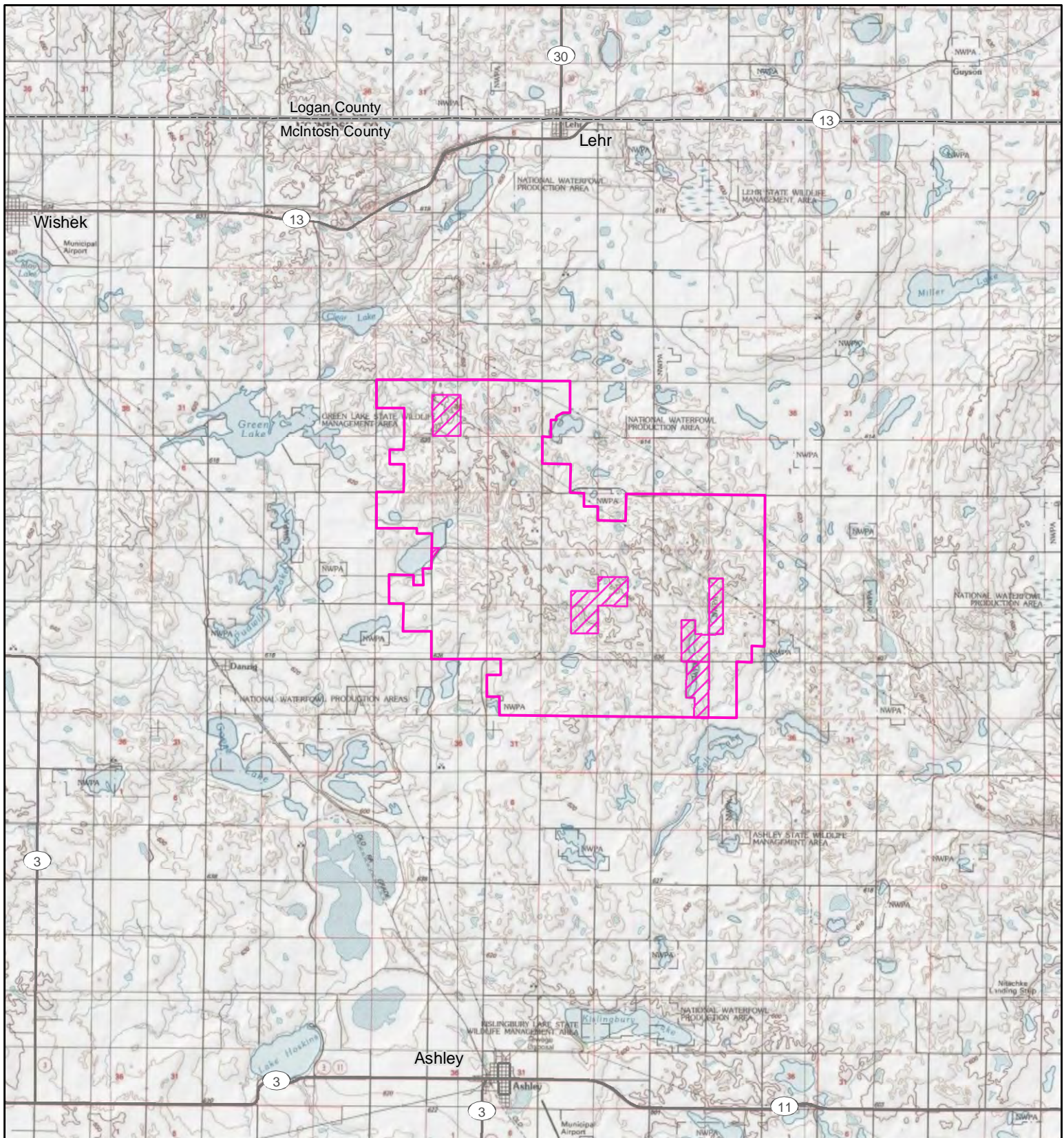
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

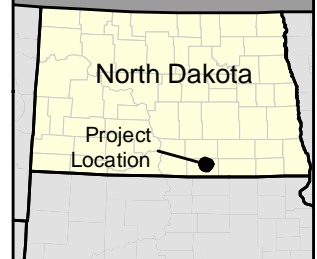
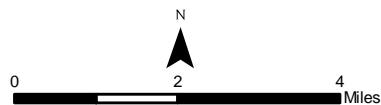
Attachment



Project Area Map

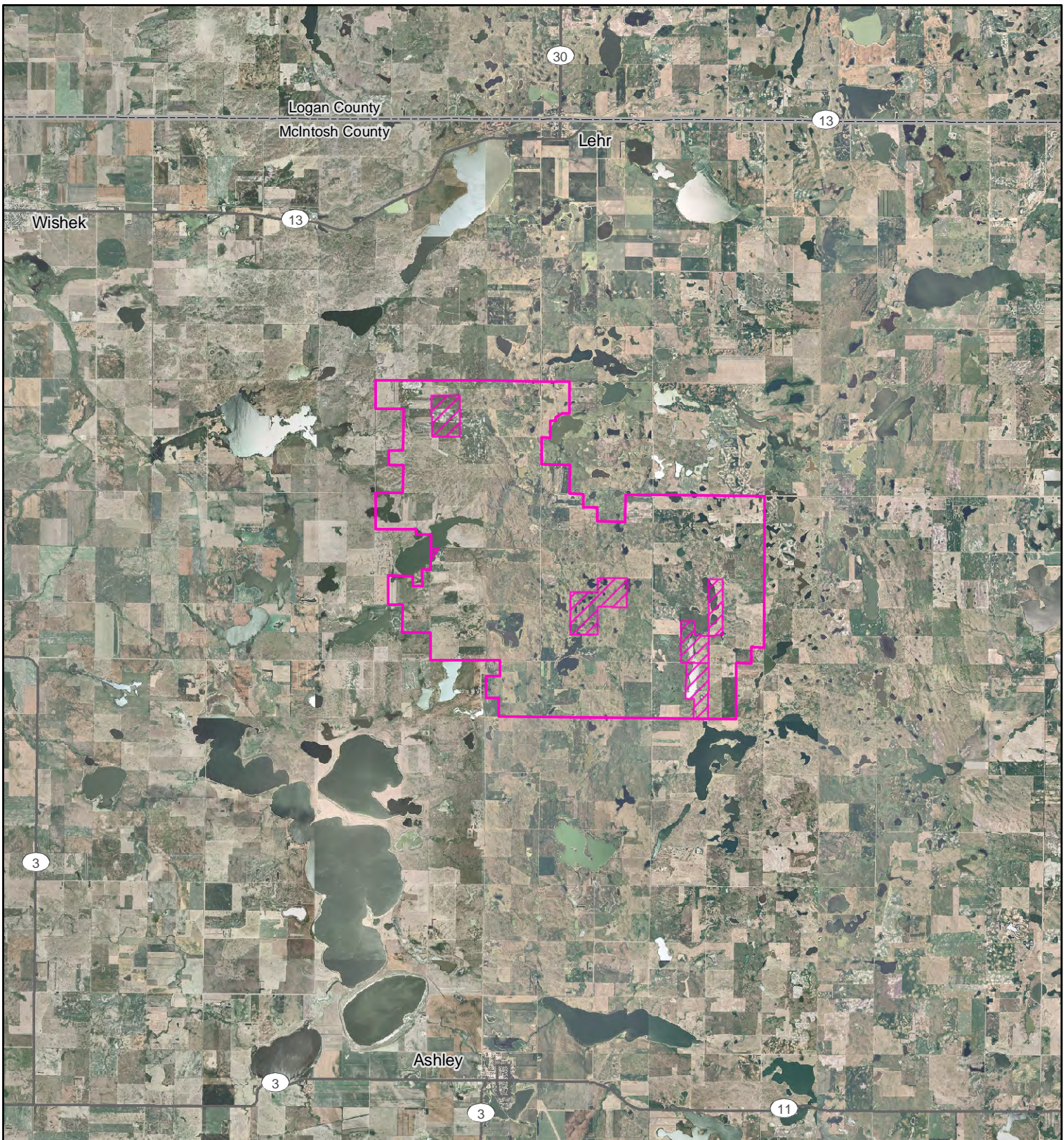
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.

Scale 1:150,000

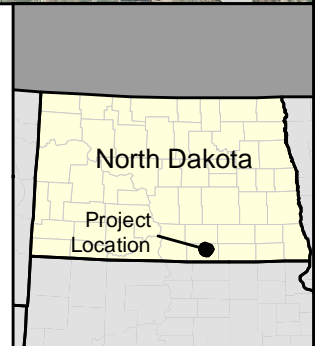
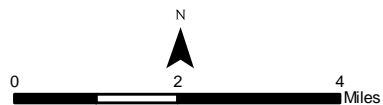


**Project Area Map**

**Ashley Wind Energy Project  
McIntosh County, North Dakota**



- Project Area
- Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

John Hoeven  
Governor of North Dakota

January 13, 2010

North Dakota  
State Historical Board

Ms. Erika J. Roberts  
Project Manager  
Tetra Tech EC Inc.  
133 Federal Street, 6<sup>th</sup> Floor  
Boston MA 02110

Chester E. Nelson, Jr.  
Bismarck - President

**NDSHPO REF.: 10-0484 PSC 200 Megawatt (MW) Ashley Wind Energy Project  
(Wind Farm), McIntosh County**

Gereld Gerntholz  
Valley City - Vice President

Dear Ms. Roberts:

Richard Kloubec  
Fargo - Secretary

We have received and reviewed: 10-0484 PSC 200 Megawatt (200 MW) Ashley Wind Energy Project [Wind Farm], McIntosh County," correspondence of January 8. There is potential for unrecorded and recorded properties in a variety of physiographic settings in the overall study area near Ashley, McIntosh County. ***If the project requires permits issued by a federal and/or state agency (e.g., COE, USFWS, Reclamation, RUS, ND PSC) then the respective agency(ies) are to be consulted regarding their recommendations on the project. As a potential federal undertaking, we encourage agency consultation as part of the Environmental Assessment process.*** At this point, we recommend and encourage that a Class I Cultural Resources Inventory (file and records search) be prepared and submitted for review to the appropriate agencies (e.g., NDSHPO/SHSND, ND PSC, federal agency), as delineated from the map coverage you provided. Follow-up cultural resource investigations (i.e., Class III Cultural Resource Inventory) will be determined and based on Class I document review, agency consultation, and as project particulars (e.g., turbine siting locations, electrical collection lines, access roads, ancillary facilities, lay-down areas) are identified in the overall project design and layout. Thank you for the opportunity to review the project, and we look forward to further consultation on it. If you have questions please contact either Susan Quinnell at [squinnell@nd.gov](mailto:squinnell@nd.gov) or (701) 328-3576 or Paul Picha at [ppicha@nd.gov](mailto:ppicha@nd.gov) or (701) 328-3574. Please include the NDSHPO REF.: 10-0484 in correspondence regarding the project.

Albert I. Berger  
Grand Forks

Calvin Grinnell  
New Town

Diane K. Larson  
Bismarck

A. Ruric Todd III  
Jamestown

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

Sincerely,

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

Director, State Historical Society of North Dakota

c: Patrick Fahn, North Dakota Public Service Commission, with map enc.

c: Daniel E. Cimarosti, COE-Bismarck Regulatory, with map enc.

Accredited by the  
American Association  
of Museums



TETRA TECH EC, INC.

January 8, 2010

Mr. Neil Meidinger  
McIntosh County Commissioner  
2720 89<sup>th</sup> Street SE  
Zeeland, ND 58581-9779

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Meidinger:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the McIntosh County Commissioners to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

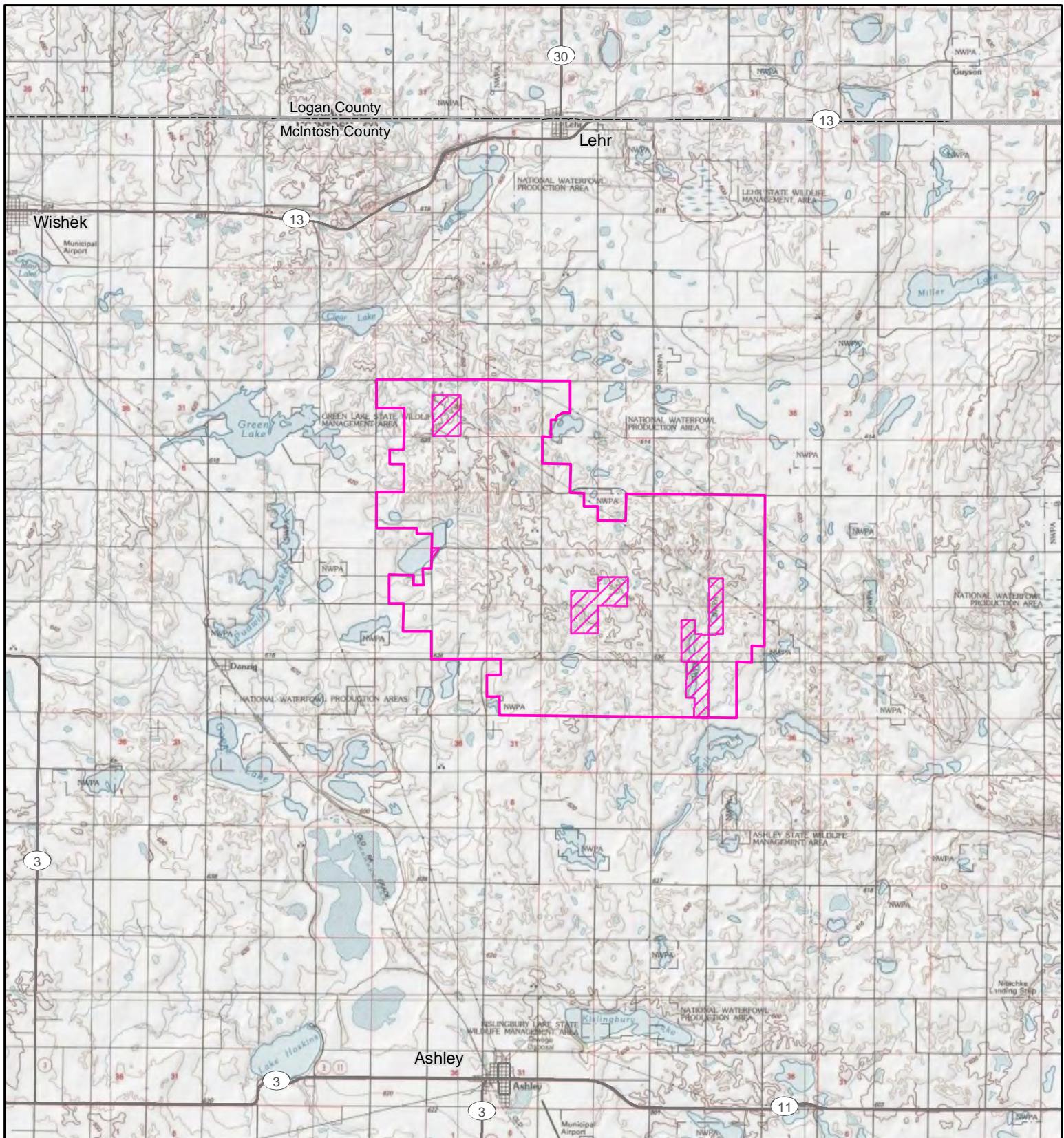
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

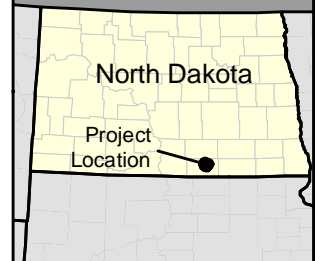
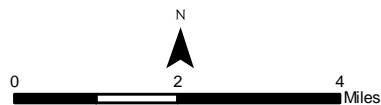
Attachment



**Project Area Map**

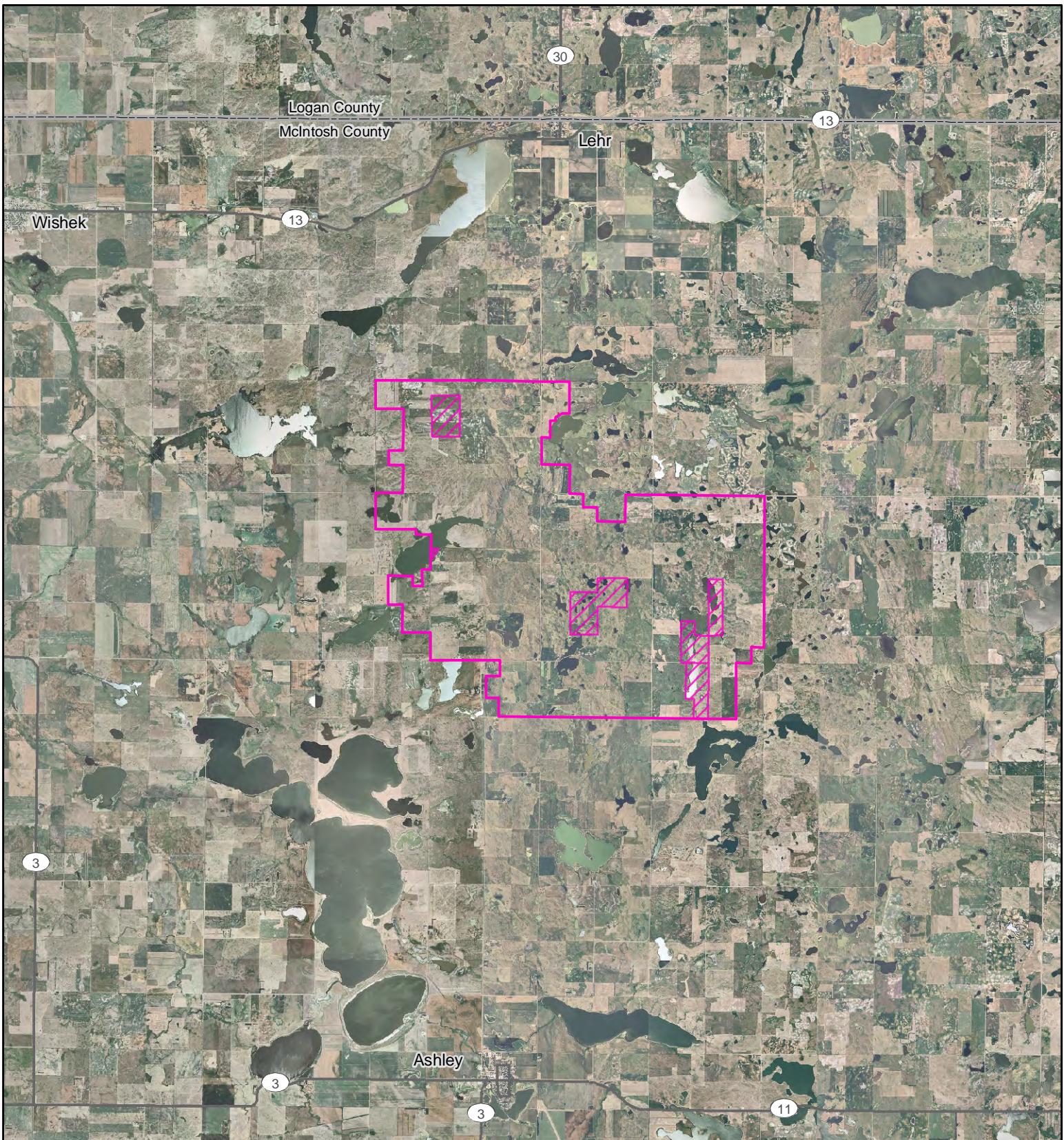
**Ashley Wind Energy Project**  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area





Source: USGS 24k Quads, 1985.

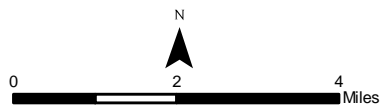
Scale 1:150,000



Project Area Map

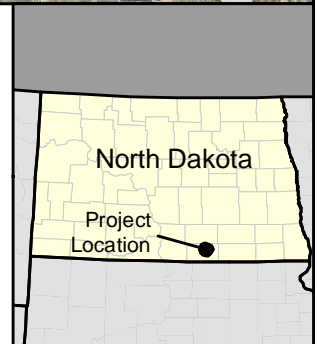
Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000





TETRA TECH EC, INC.

January 8, 2010

Mr. Ron Meidinger  
McIntosh County Commissioner  
615 Center Avenue N  
Ashley, ND 58413-7011

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Meidinger:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the McIntosh County Commissioners to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

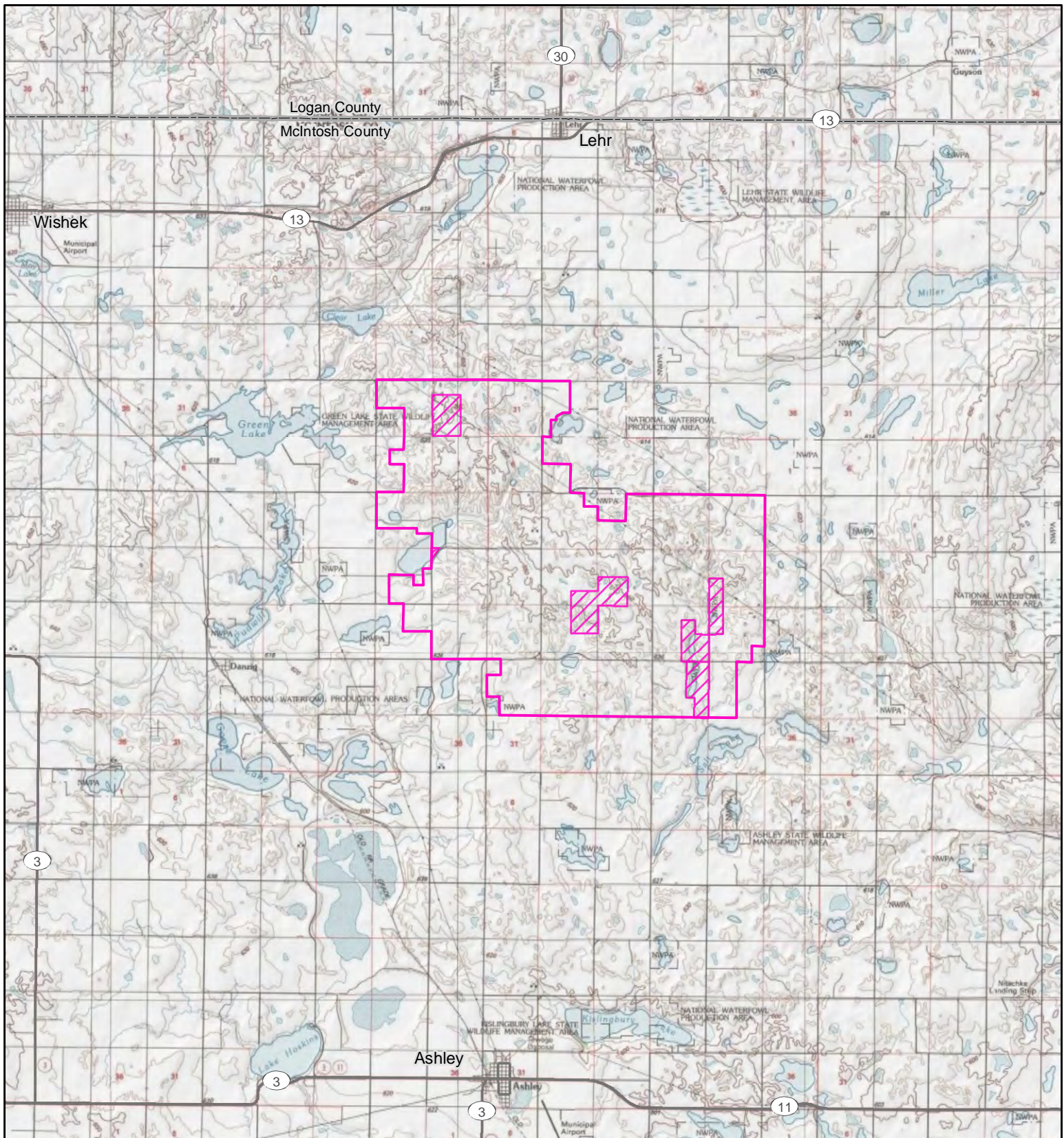
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

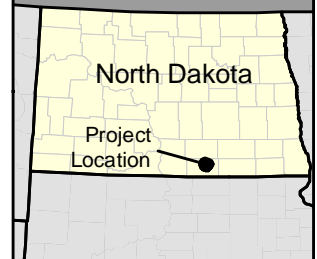
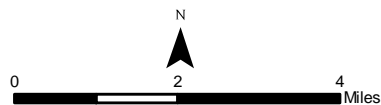
Attachment



**Project Area Map**

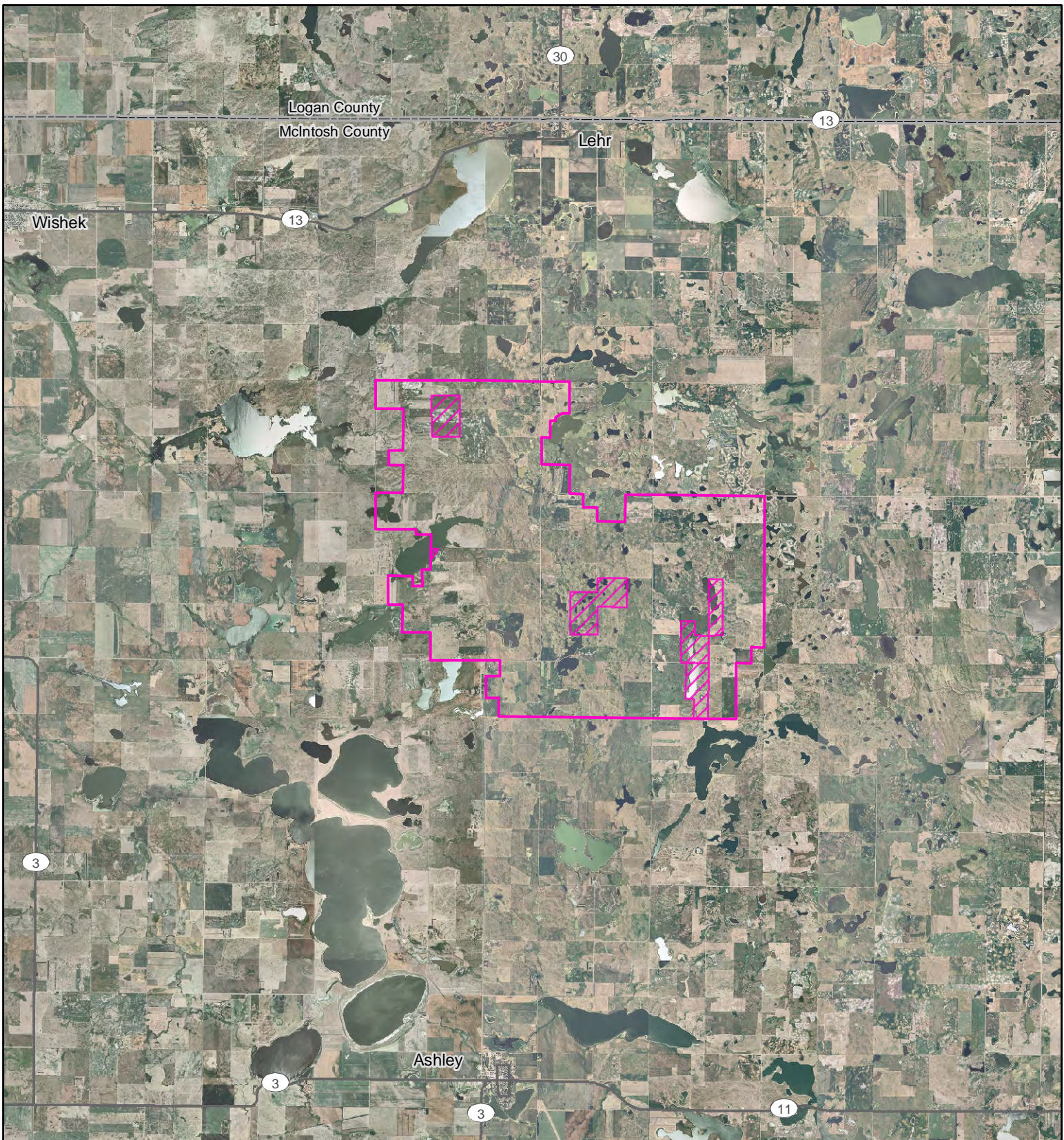
**Ashley Wind Energy Project  
McIntosh County, North Dakota**

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

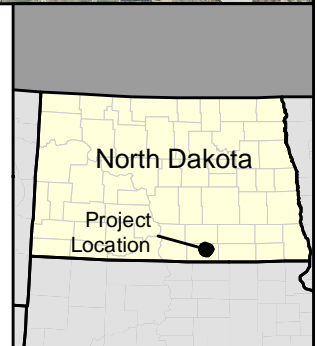
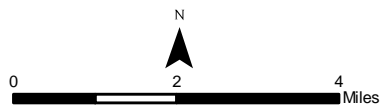


Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mr. James Raile  
McIntosh County Commissioner  
907 7<sup>th</sup> Avenue S  
Wishek, ND 58495-7531

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Raile:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the McIntosh County Commissioners to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

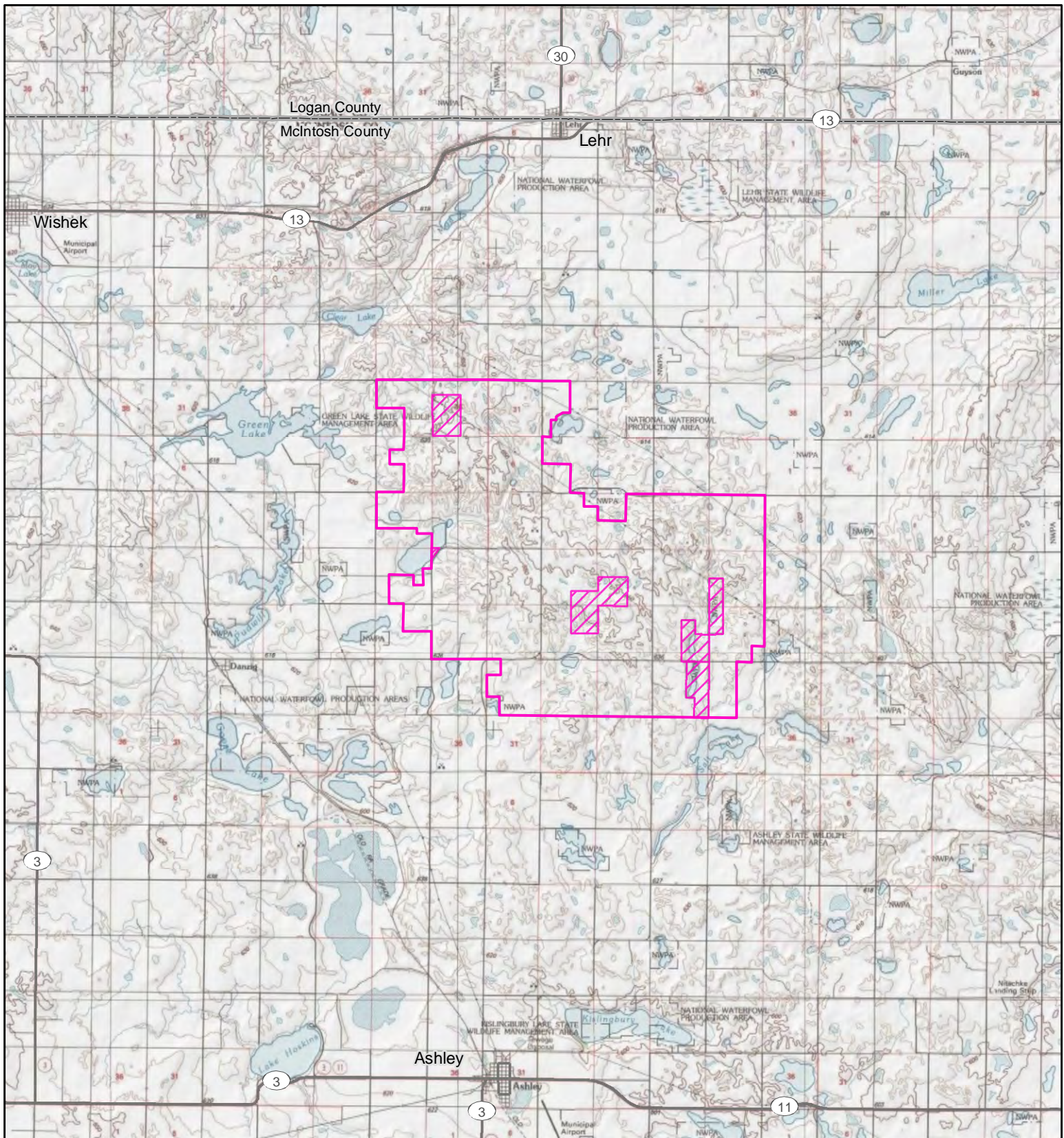
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

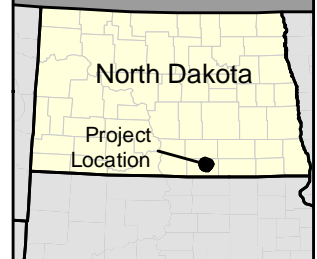
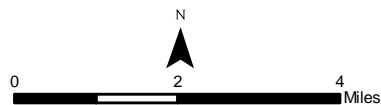
Attachment



Project Area Map

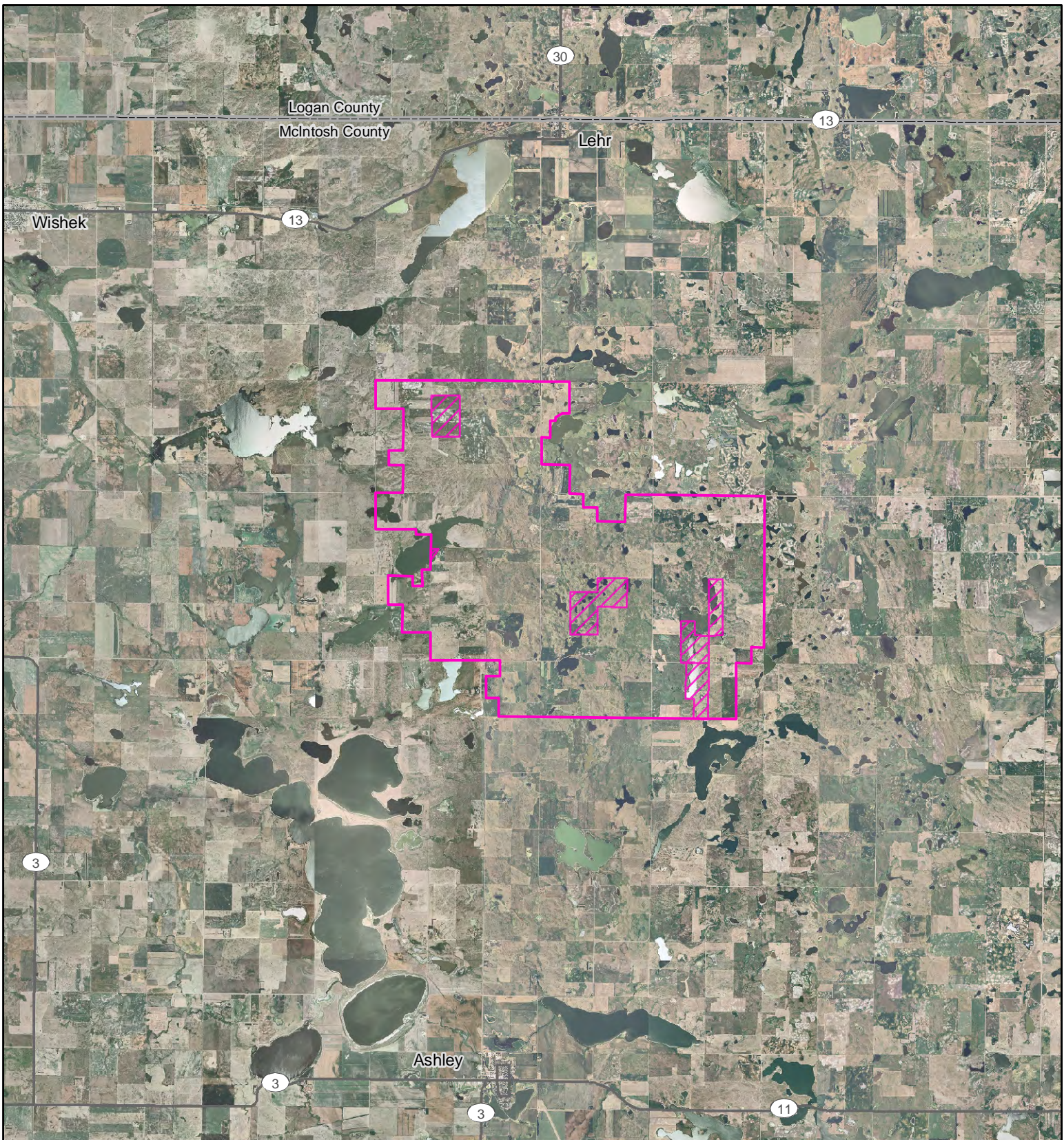
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

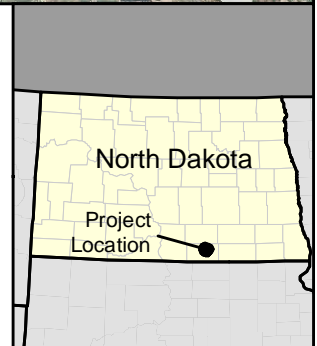
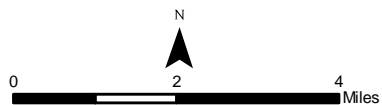


Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000

**BOARD OF COUNTY COMMISSIONERS:**

Neil Meidinger  
Ronald J. Meidinger  
James Raile

**AUDITOR:** Gina Ketterling  
**TREASURER:** Donna Heupel  
**STATE'S ATTORNEY:** Terry Elhard  
**SHERIFF:** Laurie Spitzer  
**CLERK OF COURT/COUNTY RECORDER:** Carol Fey  
**TAX DIRECTOR:** Delbert Heil  
**SUPT. OF SCHOOLS:** Coreen Schumacher  
**VETERANS SERVICE OFFICER:** Leo P. Keaveny  
**DISASTER EMERGENCY MANAGER:** DeLoris Rudolph



# McINTOSH COUNTY

112 1<sup>ST</sup> St. NE  
PO Box 39  
Ashley, ND 58413

February 3, 2010

John Hafner  
CPV Ashley Renewable Energy Company, LLC  
50 Braintree Hill Office Park, Suite 300  
Braintree, MA 02184

RE: WIND ENERGY PROJECT PERMITTING IN MCINTOSH COUNTY, ND

Dear John:

Please be advised that McIntosh County does not have any zoning regulations or permitting requirements related to the development, construction, or operation of wind energy projects. These wind energy projects include, but are not limited to, wind turbines, meteorological towers, concrete foundations, warehouse and maintenance buildings, substations, electrical collection systems of various voltages, roads, pads and any other structure or civil work related to the operation and maintenance of a wind energy project.

Sincerely,

James Raile  
McIntosh County Commissioner

Ron J. Meidinger  
McIntosh County Commissioner

Neil Meidinger  
McIntosh County Commissioner



TETRA TECH EC, INC.

January 8, 2010

Mr. Donavon Bender  
Chair  
McIntosh County Soil Conservation District  
118 East Main Street, Box 389  
Ashley, ND 58413

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mr. Bender:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the McIntosh County Soil Conservation District to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

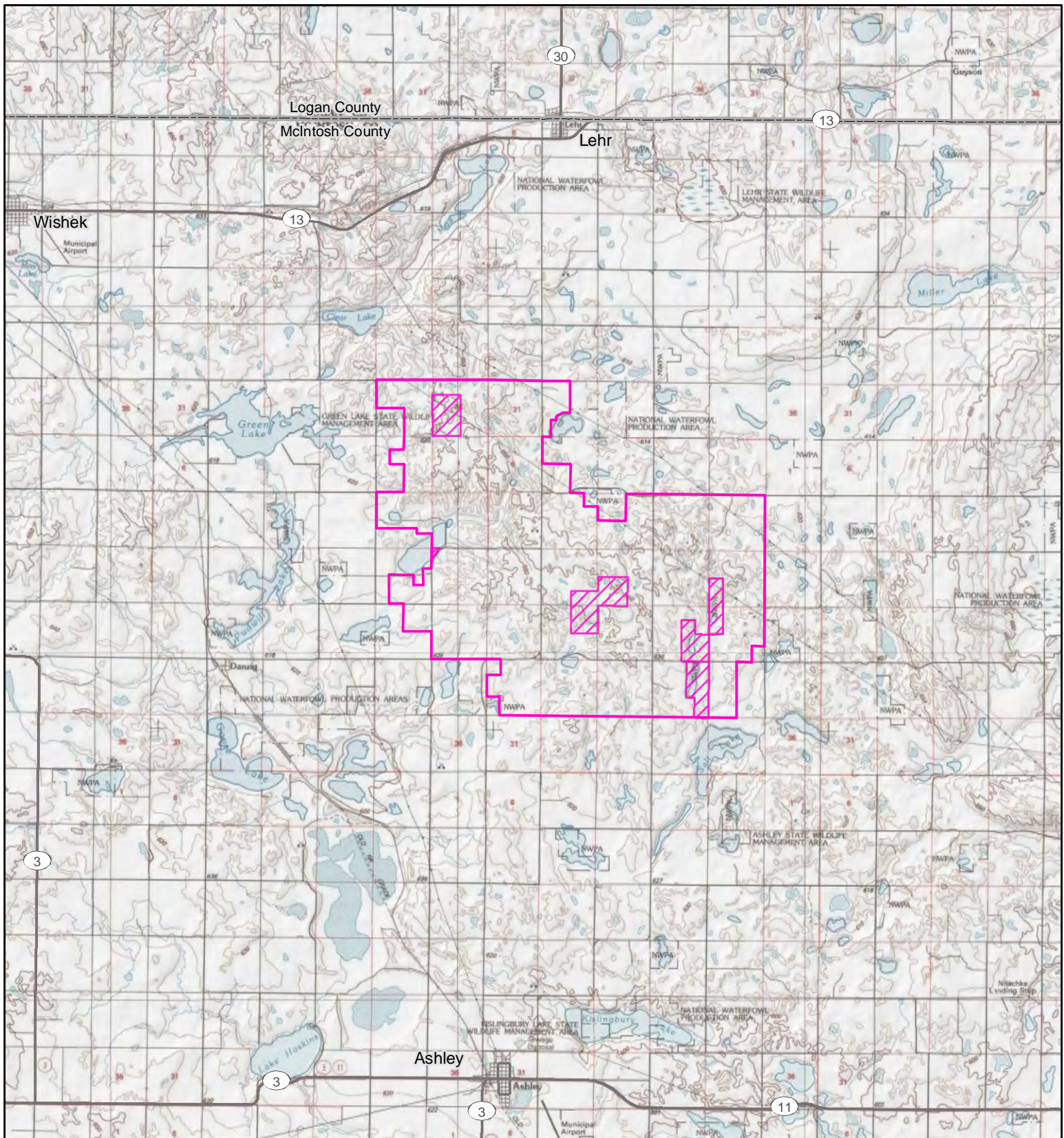
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager



cc Gener Gotiangco – CPV  
John Hafner – CPV

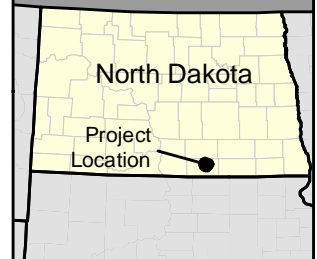
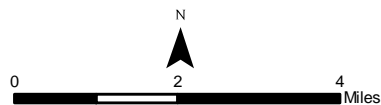
Attachment



Project Area Map

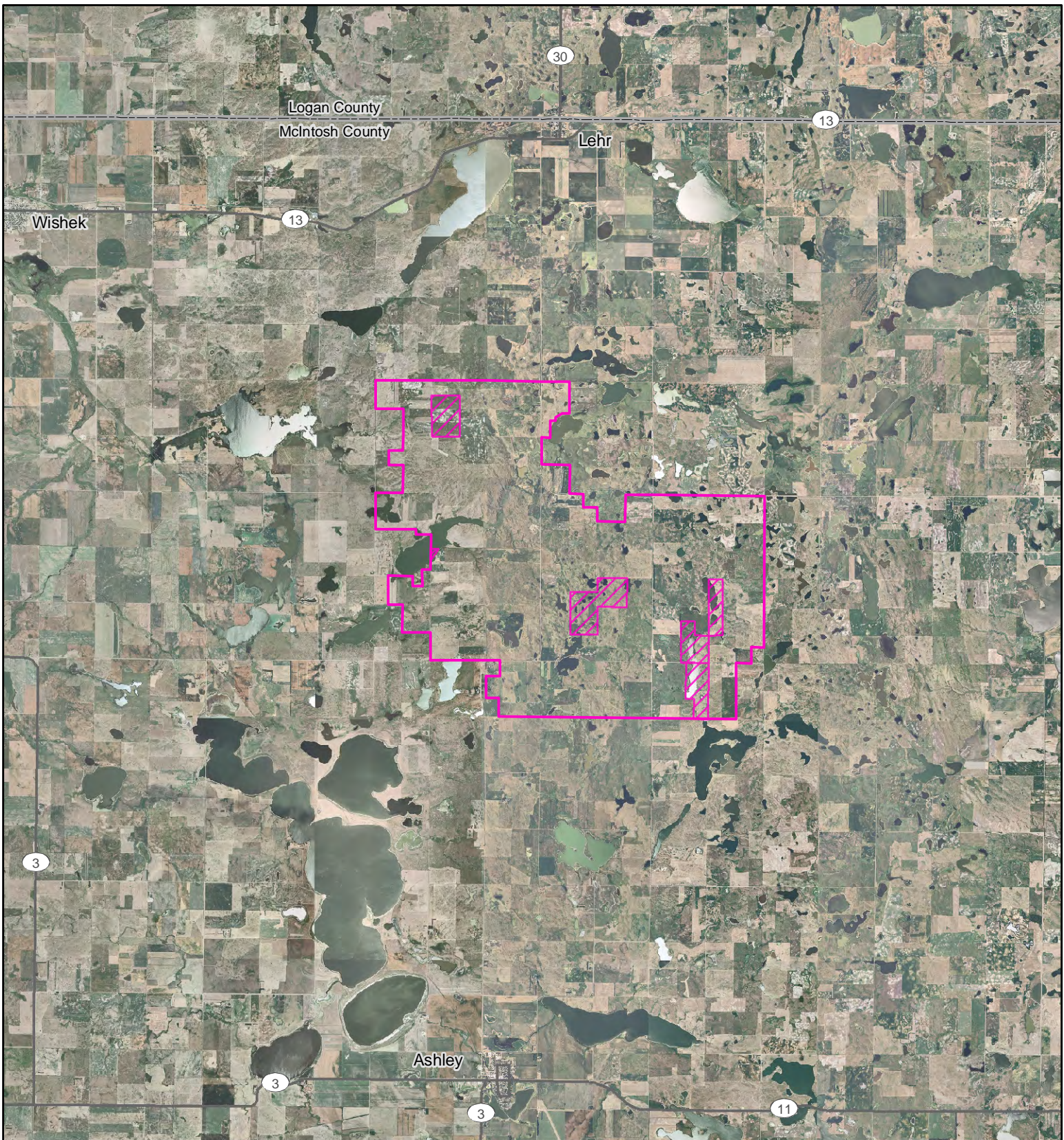
Ashley Wind Energy Project  
McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USGS 24k Quads, 1985.



Scale 1:150,000

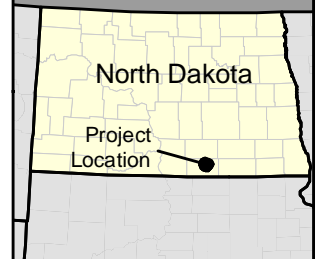
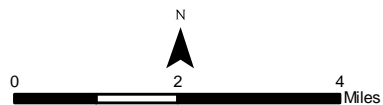


Project Area Map

Ashley Wind Energy Project  
McIntosh County, North Dakota



-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000



TETRA TECH EC, INC.

January 8, 2010

Mayor Donald Kosel  
City of Ashley  
113 1<sup>st</sup> Street NW  
Ashley, ND 58413

**RE: Notice of Intent to Submit an Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility for the Ashley Wind Energy Project in McIntosh County, North Dakota**

Dear Mayor Kosel:

In regard to the Ashley Wind Energy Project (the Project) in McIntosh County, North Dakota, Tetra Tech EC, Inc. (Tetra Tech) is consulting the City of Ashley to request assistance in identifying issues within the Project Area that would influence a decision regarding the use of the land and applicable permits that may be required from your office in the development of this Project. This information will be used to help guide the Project development through identification and avoidance of impacts to sensitive resources where practicable. We have requested similar input from other federal, state, and local agencies, including all those identified in Section 69-06-01-05 of the North Dakota Administrative Code.

Your assistance is being requested as the Project Developer, CPV Ashley Renewable Energy Company, LLC (CPV), has contracted Tetra Tech to begin the preparation of an application requesting the issuance of a Certificate of Site Compatibility from the North Dakota Public Service Commission (the Commission) for the Project in accordance with Section 49-22-07 of the North Dakota Century Code. In support of that application, Tetra Tech is performing an investigation of the Project Area, located approximately six miles north of the City of Ashley, on approximately 17,400 acres of private land under agreement with CPV. The attached figure to this transmittal provides a map of the Project Area.

The proposed Project has a planned commercial operation date in the 4<sup>th</sup> quarter of 2012 and would provide approximately 200 megawatts (MW) of wind energy capacity. It is expected that the selected turbine for the Project will range between 1.5 to 3.0 MW in generating capacity, 80 to 90 meters (m) in hub height, and 80 to 103 m in rotor diameter. In addition to the erection of wind turbines, the Project would involve: improvements to existing roads; construction of new gravel access roads; installation of underground electrical collection lines; construction of an operation and maintenance building; construction of an electrical switchgear facility; erection of three to four 80 to 90 m tall permanent meteorological masts; and construction of an interconnection substation facility. A temporary construction staging and laydown area would also be used during the construction phase of the Project.



The Project would include portions of the following sections:

County	Township	Range	Sections
McIntosh	T131N	R69W	5-11, 14-23, 26-30
	T131N	R70W	1, 2, 11-14, 23, 24
	T132N	R69W	31, 32
	T132N	R70W	35, 36

We would appreciate a response by February 5, 2010. Please contact me at (617) 457-8223 if you have any questions. Thank you for your assistance.

Respectfully submitted,

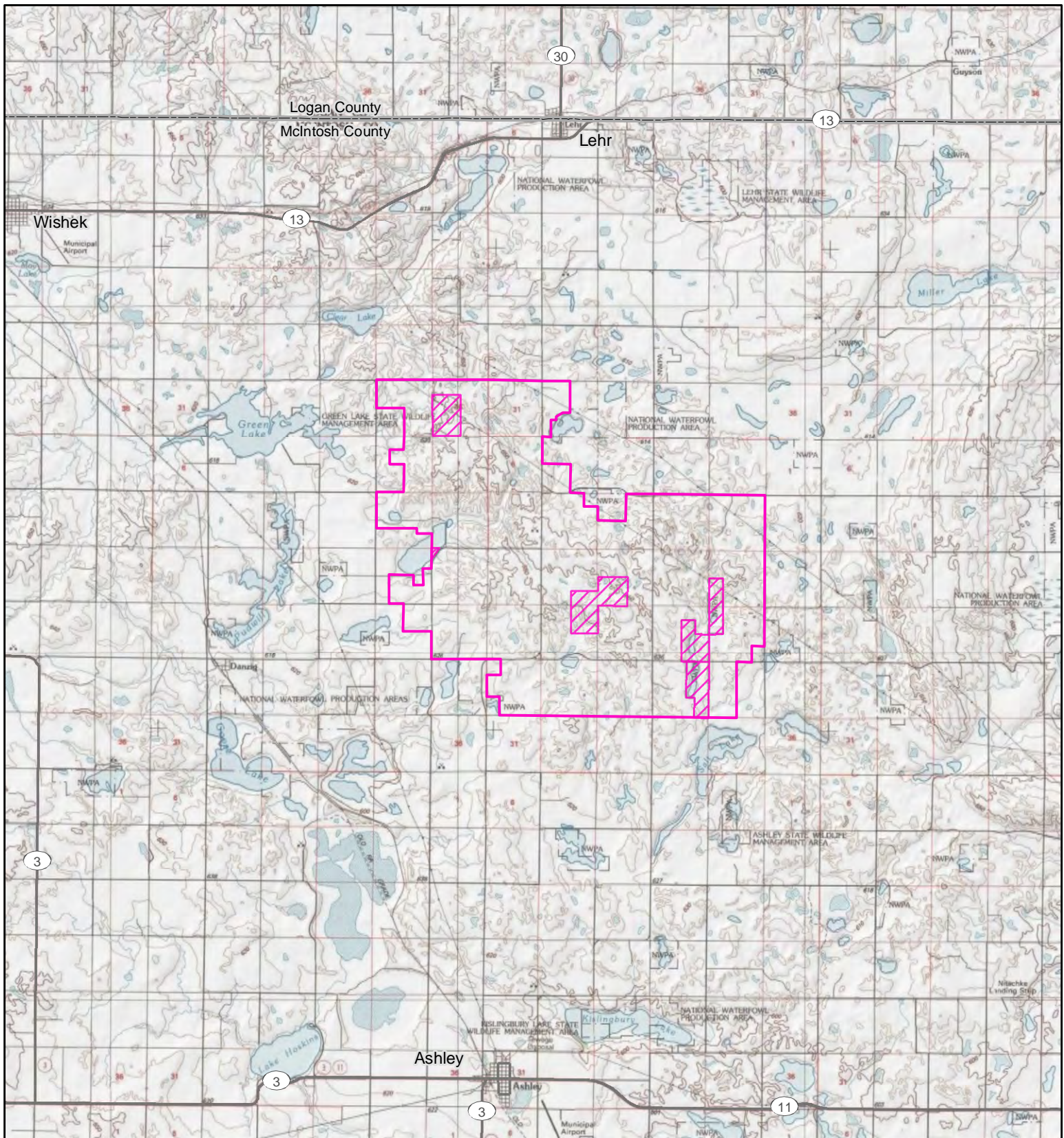
**Tetra Tech EC, Inc.**



Erika J. Roberts  
Project Manager

cc Gener Gotiangco – CPV  
John Hafner – CPV

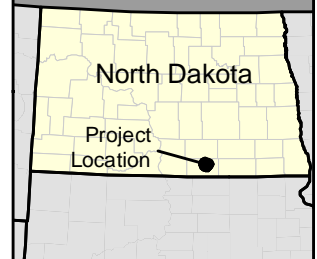
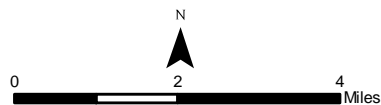
Attachment



Project Area Map

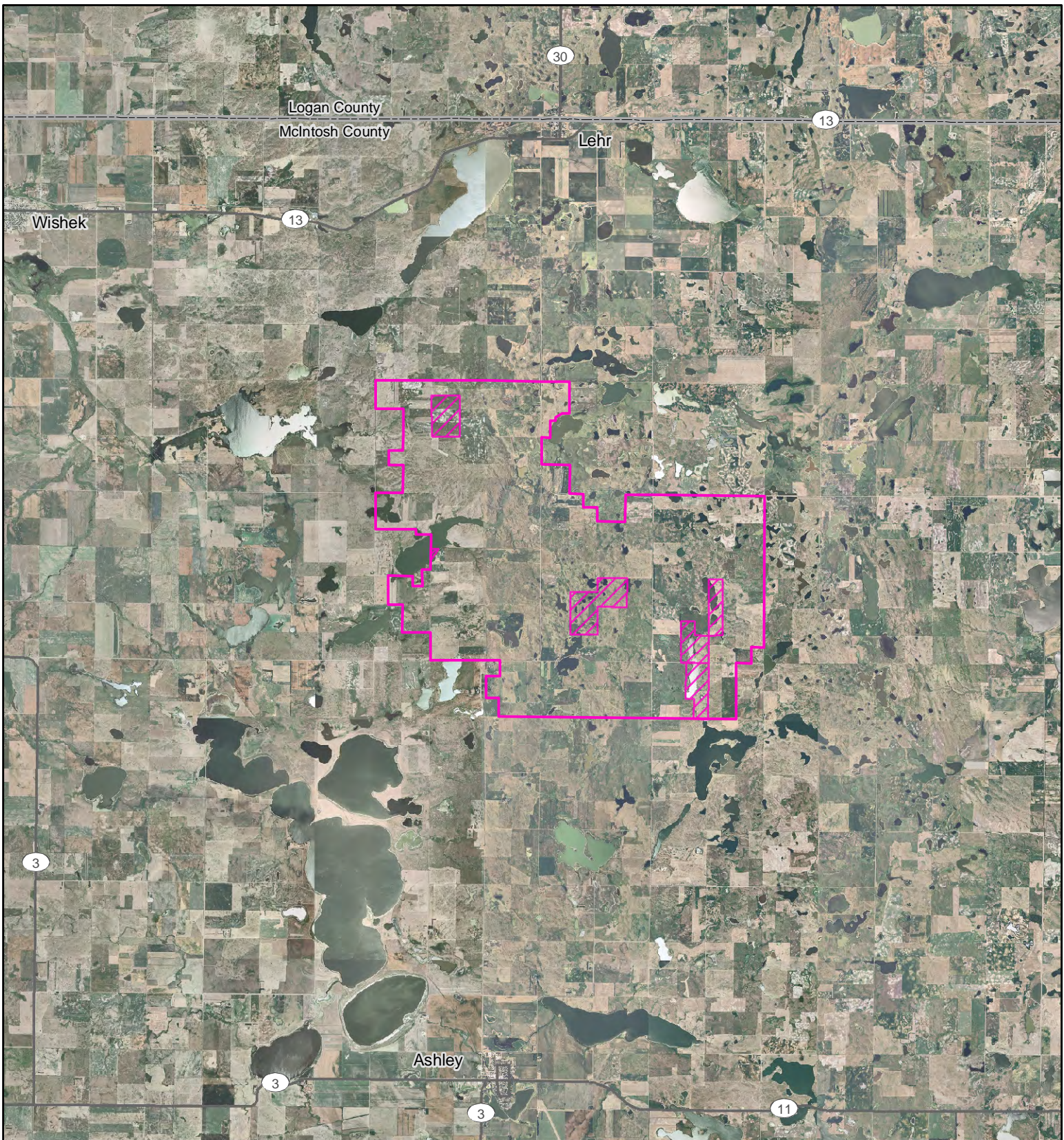
Ashley Wind Energy Project  
McIntosh County, North Dakota

- Project Area
- Non-Leased Area





Source: USGS 24k Quads, 1985.

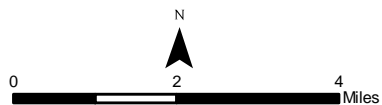
Scale 1:150,000



Project Area Map

Ashley Wind Energy Project  
 McIntosh County, North Dakota

-  Project Area
-  Non-Leased Area



Source: USDA NAIP, 2006.

Scale 1:150,000

