

PERMITS AND APPROVALS
ASHLEY WIND ENERGY PROJECT
CPV ASHLEY RENEWABLE ENERGY COMPANY, LLC

Agency	Type of Approval	Status	Need
Federal Approvals			
Tennessee Valley Authority (TVA)	National Environmental Policy Act (NEPA) Review	2	NEPA requires federal agencies to integrate environmental values into their decision-making process by considering the environmental impacts of their proposed actions and reasonable alternatives through an Environmental Assessment (EA) or Environmental Impact Statement. TVA is required to perform NEPA review due to their execution of a Power Purchase Agreement (PPA) with CPV Ashley Renewable Energy Company, LLC (CPV) for power generated by the Ashley Wind Energy Project (the Project).
	National Historic Preservation Act (NHPA) Section 106 Consultation	2	NHPA compliance is required as a component of NEPA review. Under Section 106, federal agencies must take into account the effects of their undertakings upon historically significant districts, sites, buildings, structures, and objects and consult with the State Historic Preservation Office (SHPO).
	Archeological Resources Protection Act (ARPA), Archeological Investigation Report	5	ARPA protects archeological resources and sites that are located on federal property and Native American tribal lands. If construction or operation of the Project is likely to impact archaeological resources, compliance may be required as a component of NEPA review. This approval is not applicable to the Project as no federal or tribal lands are within the Project Area.
	Endangered Species Act (ESA) Section 7 Consultation	2	Section 9 of the ESA prohibits the take of an endangered species. With a federal action, a Section 7 consultation with the United States Fish and Wildlife Service is required under NEPA review by the lead agency.
USFWS	Compatibility Analysis of Disturbed Easements	4	If constructing in wetlands within wetland easements or in Waterfowl Production Areas, then compatibility analysis by USFWS is required.
	Right of Way Permit	4	If use is compatible, then a Right of Way Permit may be required for permanent disturbance in wetlands within wetland easements.
	Special Use Permit	4	If use is compatible, then a Special Use Permit is required for temporary disturbance in wetlands within wetland easements.
United States Army Corps of Engineers (USACE)	Clean Water Act (CWA), Section 404 Permit (Nationwide Permit [NWP])	4	Permit required for fill in jurisdictional waters of the U.S.
United States Environmental Protection Agency (USEPA)	Oil Pollution Prevention Regulations (40 CFR 112.5), Spill Prevention, Control, and Countermeasures (SPCC) Plan	4	Plan is required if aggregate storage capacity of 1,320 gallons of oil on site with the potential to discharge to waters of the U.S.; however, qualified Tier 1 facilities can self-certify SPCC Plan if less than 10,000 gallons is stored aboveground onsite. Assessment of on site oil storage during both construction and operations of the facility.

Agency	Type of Approval	Status	Need
Federal Aviation Administration (FAA)	Form 7460-1, Notice of Proposed Construction or Alteration	1	Notice and approval are required for structures over 200 feet in height. FAA approval of lighting and marking of turbines is required.
Federal Energy Regulatory Commission (FERC)	Federal Power Act, Section 205 rate approval	3	Prior to commissioning of the facility, rates and charges for selling electric energy must be reviewed and authorized by FERC. CPV will apply for market-based rate authorization.
FERC	Federal Power Act, Section 201	3	CPV will file for Exempt Wholesale Generator Status.
State of North Dakota			
Public Service Commission (PSC)	Certificate of Site Compatibility (CSC)	1	Letter of Intent (LOI) and CSC application required for construction of generation facility over 60 megawatts (MW) in size.
North Dakota Department of Health (NDDOH), Division of Water Quality	North Dakota Pollutant Discharge Elimination System (NPDES) General Permit: Stormwater Discharges associated with Construction Activity	3	Notice of Intent (NOI) required for disturbance of over 1 acre of land for minor projects or greater than 5 acres for major projects. Must prepare a Stormwater Pollution Prevention Plan (SWPPP).
	Section 401 Water Quality Certification	4	Applicants receiving a Section 404 permit from USACE are required to obtain a Section 401 Water Quality Certification from the state.
NDDOH	Septic Tank and Drainfield Permit	3	Required for installation of septic system at Operations and Maintenance (O&M) facility.
North Dakota Department of Transportation (NDDOT), North Dakota Highway Patrol	Overheight/Overweight Permit	3	Permit required for hauling construction equipment and materials on State Highways.
	Trip Permit/Fuel Permit	6	A trip permit and fuel permit will be required if the trucking company is not currently registered in the state.
NDDOT	Driveway Application and Permit Form SFN 5918 (Rev. 10-2008)	4	Permit required for construction of access roads from State Highways.
	Utility Occupancy Application and Permit Form SFN 7995 (Rev. 11-2008)	4	Permit required for utilities placed within or crossing State Highway rights-of-way.
Local Permits			
No applicable local permits (McIntosh County, townships). CPV has entered into a Road Use and Maintenance Agreement with McIntosh County.			

* Status Explanation:

- 1 Applied and/or Decision Pending
- 2 In Progress
- 3 Will Apply Once CSC Is Received
- 4 Final Project Design Will Determine Whether Permit/Approval is Needed
- 5 Not Applicable
- 6 Dependent Upon Subcontractor Selected